

**“Ceaseless and Watchful Readiness to Take Part”:
The Canadian governors general,
1847-1878**

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ABSTRACT

This dissertation surveys the constitutional evolution of the Canadian governor general's role between 1847 and 1878. It analyses incidents in the terms of five consecutive governors general—Elgin, Sir Edmund Head, Monck, Lisgar, and Dufferin—and explores how each interpreted his loosely-defined role. While Confederation in 1867 is usually seen as the watershed in Canadian constitutional history, its effect on the viceregal role was limited. The most profound change—the transition to responsible government—had already occurred in 1848. After 1848 it was understood that in internal matters the governor general would follow the advice of his Canadian ministers. Elgin played a key role in putting this new experiment in colonial policy into practice. The advent of self-government for Canada did not mean that the governor general became insignificant, however. The governor retained a role as guardian of the constitution, and the prerogative of refusal of assent to ministerial advice still existed, even if it was infrequently invoked. Elgin, Head, Monck and Dufferin all encountered situations in which at least some political observers believed such refusal would be warranted. In the event, only Head exercised this prerogative. In the formative years of Canadian party politics, the viceregal office afforded an opportunity to exercise informal leadership. Monck in particular played a much-underestimated role in helping to negotiate alliances among political antagonists. Lisgar, by far the most politically seasoned of the five incumbents, paradoxically presided over a stable ministry during his entire term of office. His comparative inactivity in the political realm has led historians to dismiss him as indolent. Lisgar was involved, however, in behind-the-scenes negotiations leading to the 1871 Treaty of Washington. Canadian disappointment over the terms of the treaty, combined with the absence of any archival collection detailing Lisgar's activities, has unfairly cast Lisgar as a historical scapegoat. The study ends with the drafting of a permanent set of Letters Patent and Instructions for the governor general in 1878, a constitutional milestone that has been largely overlooked in Canadian historiography. This initiative on the part of Canada's Liberal minister of justice, Edward Blake, to more clearly spell out the limits of the governor general's role was spurred in large measure by Dufferin's intrusiveness. Throughout this formative period, the evolution of the viceregal role was influenced both by circumstance and the character of the individual office holders.

DECLARATION

This thesis, submitted for the PhD, has been composed by me, is entirely my own work, and has not been submitted for any other degree or professional qualification.



Barbara J. Messamore

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TABLE OF CONTENTS

1: "Governor-Generalities": The Office of Governor General, 1847-1878	... 6
2: "The Great Experiment": Elgin, Grey and Responsible Government	... 32
3: "Fairly in Hot Water": Sir Edmund Head in the United Canadas	... 76
4: "My last card in that suit": Monck as Political Mediator, 1861-1864	... 102
5: Diplomacy or Duplicity? Lord Lisgar and the Treaty of Washington, 1871	... 126
6: "A Choice of Difficulties": Lord Dufferin, the Pacific Scandal, and the Prorogation of 1873	... 166
7: "The Line over which he must not Pass": Dufferin, Edward Blake and the Establishment of Permanent Letters Patent, 1878	... 197
8: Conclusion: "Ceaseless and Watchful Readiness to Take Part"	... 239
Bibliography	... 247

1

“Governor-Generalities”¹:
The Office of Governor General, 1847-1878

This dissertation addresses the office of the Canadian governor general between 1847 and 1878. During this period, five British appointees held the position: Lord Elgin (1847-54); Sir Edmund Head (1854-61); Lord Monck (1861-68); Sir John Young, later Lord Lisgar, (1868-72); and Lord Dufferin (1872-78). Anyone attempting to study Canada’s nineteenth-century governors general comes up immediately against a fundamental conceptual problem. This is the difficulty in distinguishing between the office of the governor general, and the individuals who filled it. For the most part, those who have addressed the viceregal role have done so through the medium of biography. To a great extent, this is a valid approach. The role of the governor general has been an elastic one, and its parameters could extend and contract in response to the inclinations and interests of the incumbent. Further, for as long as the governor general remained answerable to the British cabinet, as he did until 1926, much depended on his personal connections with statesmen at home. Those with enough influence—and confidence—could have a direct bearing on the colonial policies that would affect Canada. The direct constitutional role of the governor general in Canada’s domestic affairs receded after the advent of responsible government under Lord Elgin in 1848. Yet self-government for a colony was a new experiment and Canada’s executive council and its titular head had to iron out how it would work in practice. The personality of the governor general was crucial. Someone with significant parliamentary experience, who nevertheless had an appreciation of Canada’s legislative autonomy, might exert an influence over his Canadian ministers. Even after 1848 there were instances where the overt intervention of the governor general was possible constitutionally, if not always welcome. Prerogative powers remained, but the governor himself had to decide whether to exercise them. Before Confederation in 1867, no single party dominated Canadian politics, and the occasional instability caused by the rise and fall of various coalitions ensured an active role for the governor general. Sir Edmund Head and Lord Monck were drawn into the turbulent waters of Canadian politics and their

personal attributes as political mediators were of critical importance. The governor general's skill in international diplomacy was another variable. Lord Lisgar chose to take a proactive approach to resolving Canada's differences with Washington in 1871. This duty was only a peripheral part of his mandate, and Lisgar's involvement sparked criticism both of Lisgar himself and of the imperial connection. Personality also came into play in the episode that marks the terminus of this study. The alterations to the governor general's official Letters Patent and Instructions at the end of Lord Dufferin's term in 1878 were a direct product of dissatisfaction with Dufferin's intrusiveness. In addition to these political and constitutional factors, it should be noted that the individual governors general had considerable leeway to define their own positions in Canada's social and cultural life. The concept of *noblesse oblige* was by no means extinct, and those with sufficient private resources might choose to entertain and travel more lavishly than the modest salary and allowances alone would permit, creating a higher profile for the office. Dufferin's grander scale of social leadership and more regal approach to his office marked a departure from the quiet functionalism of his immediate predecessors, and established a precedent for those who would follow. As the office evolved, a whole collection of "invented traditions"² began to cluster around it. It is, in short, impossible to ignore the personalities of those who filled the viceregal role.

Yet a purely biographical approach is inadequate. To understand the position of the governor general, and the importance of that office in the evolving imperial relationship between Canada and Britain, it is necessary to look at more than one office holder. This is not least because the individual stamp one governor general put on his term could establish a new set of expectations for his successor. This was obviously true in the case of Elgin's new constitutional approach under a system of responsible government, the event that marked the single greatest change in the viceregal role. Yet precedents did not always function in a positive way. A viceregal appointee might draw lessons from mistakes made by his predecessors, and steer an opposite course. An examination of the terms of five consecutive governors general who held office during a pivotal era in Canadian history may offer some generalisations about the role that go beyond individual biography. The period covered, 1847 to 1878, begins with the introduction of colonial self-government,

includes Confederation, and ends with the redrafting of the governor general's permanent instructions.

Of the five governors to be considered, Elgin and Dufferin have attracted the most attention historically. Elgin has been the subject of a number of biographical studies, most of which appeared in the early decades of the twentieth century. The earliest, by Theodore Walrond, published in 1872 as *Letters and Journals of James, Eighth Earl of Elgin*, despite its name is actually a biography punctuated by excerpts from his correspondence. Four substantial biographies appeared before the publication of the Elgin-Grey correspondence in 1937. Of the four, two were published in 1905. George Wrong's treatment is sound but concentrates on the whole of Elgin's career and therefore is able to devote only a chapter to his Canadian career; John Bourinot's study focuses on Elgin in Canada. W.P.M. Kennedy's biography, which appeared in 1926, and J.L. Morison's two years later, are both comprehensive treatments of Elgin's entire career which reveal a sound grasp of the constitutional significance of his term in Canada. Two more recent biographies have focused on the Elgin dynasty in a broader way, putting the eighth earl into the context of his forbears and descendants. Sydney Checkland's work in 1988 and the more sensationalist 1997 treatment of Theodore Vrettos provide tantalizing details of the marital scandals and financial hardships that clouded the Elgin family name prior to the eighth earl's succession. Neither Checkland nor Vrettos are hampered by the gentlemanly reticence that compelled earlier biographers to keep unsavoury details under wraps. Vrettos's unsparing examination of the seventh earl's frailties of character may in part be explained by resentment over the appropriation of Greek cultural treasures. All of these biographies are useful, but the insights they can offer to a general study of the viceregal office must be qualified. It remains to be seen how Elgin's successors interpreted the constitutional precedents he established.³

Sir Edmund Head's Canadian career has been surveyed in two key studies. James A. Gibson's 1938 Oxford D. Phil., "The Life of Sir Edmund Head" and D.G.G. Kerr's 1954 publication, *Sir Edmund Head. A Scholarly Governor* both put Head's term in Canada into the larger context of Head's life, including earlier colonial service in New Brunswick. Once again, however, Head's interpretation of

his role is not contrasted with that of his predecessors and successors; the focus is on the man, rather than the office.⁴

Monck attracted little historical attention until late in the twentieth century. A selection of Monck's letters and journals was compiled and published with insightful commentary by W.L. Morton in 1970 and a biography by a descendant, Elisabeth Batt, appeared in 1976. Both provide a useful glimpse into Monck's character and family circumstances and paint a detailed picture of the social aspects of the viceregal role.⁵ The collected letters are largely restricted to family correspondence, however, and access to correspondence with Newcastle, secretary of state for the colonies during much of Monck's term in Canada, is limited.⁶ The Batt biography focuses almost exclusively on Monck's Canadian term, which is not surprising, as Monck did not hold any other major office. Despite its many merits, it is marred by sloppiness in citations and an occasional failure to emphasise the historical significance of some of the issues that are explored.

Lisgar has not been the subject of a full biography, save one relatively recent article published in Australia.⁷ He has no archival manuscript collection, since his papers were destroyed after his death. Lisgar's correspondence must be reconstructed through the use of other manuscript collections. The Granville and Kimberley papers contain much useful correspondence, as each held the Colonial Office portfolio during Lisgar's time in Canada. The correspondence of Prime Minister John A. Macdonald is also a valuable source. Presumably, the logistical difficulties presented by the absence of any comprehensive manuscript collection have discouraged any historical analysis of Lisgar's term.

Dufferin had a high profile in life and in death. A collection of his speeches was published at the close of his term. His correspondence with Carnarvon, secretary of state for the colonies during most of his term, was printed in 1955. In addition, a number of biographical studies have been produced, beginning with two in 1878, the year he left Canada. Naturally, these focus on his Canadian term. One of these, by William Leggo, is especially useful insofar as it includes a significant amount of official correspondence. Two more biographies, by Charles Black and Alfred Lyall, followed in 1903 and 1905, respectively. The latter of these is the more reliable and also provides valuable excerpts from Dufferin's personal

correspondence with family members, friends, and prominent political and social figures. Harold Nicolson's 1937 biography, *Helen's Tower*, is an affectionate and colourful account of the life of a favourite uncle.⁸ While all of these studies provide assessments of Dufferin's character, none directly considers the extent to which that character guided Dufferin in the performance of his duties, and his term of office is not explicitly compared to that of any other governor.

These individual biographies are essential background to an understanding of the viceregal office. They provide material that supplements the manuscript collections of each governor general. But the manuscript collections of the individual governors and secretaries of state—where they exist—are in themselves the single most valuable source for this study. The official despatches, part of the Colonial Office correspondence in the Public Record Office's CO 42 and CO 537 collections, are important, but do not usually contain the detail found in the private letters. The governors tended to be personally acquainted with the cabinet ministers who held the Colonial Office portfolio, and it was often thought prudent to restrict in-depth discussions to private letters. Many of these letters are surprisingly candid. Letters and journals of family members are also an important source. Elgin's letters to his wife in the early days of his term provide details of his plans to implement responsible government. As the daughter of Lord Durham, she evidently took an interest in constitutional reform and welcomed the vindication of her father's views. Monck's sister-in-law and Dufferin's wife each kept a journal of activities at Government House. Contemporary newspapers also offer the opportunity to gauge public opinion in both Canada and Britain when controversial issues arose.

In addition to this primary material, this study relies upon secondary observations surrounding the key events that marked each governor's term of office. The key secondary material on such issues as the 1871 Treaty of Washington and the Pacific Scandal has been surveyed, in addition to more general histories of Canada. In addition, this study has consulted the works of constitutional experts ranging from Walter Bagehot and Alpheus Todd to Arthur Berriedale Keith, W.P. Kennedy and Eugene Forsey.⁹ Each of these has drawn together and offered commentary upon contentious constitutional episodes in Canada and the Empire. As such, these studies have much to offer. Nevertheless, a gap remains to be filled.

The present study aims at a marriage of constitutional history and biography. It seeks, on the one hand, to survey a range of viceregal appointees, rather than one alone. This will enable comparisons to be drawn around how each interpreted similar circumstances, and will offer the opportunity to assess the importance of precedent. In addition, and perhaps paradoxically, looking at more than one governor general better enables us to weigh the significance of the individual character of each. During the period in question, constitutional conventions governing the viceregal role were in a much more fluid state, and the degree of activism exhibited by the office holders was in large measure determined by their personal inclinations. The backgrounds of the men themselves are therefore of considerable consequence. Their past experiences, political convictions, social connections and personal judgement all play a role.

The lack of any comprehensive study of the governor general's office has contributed to a pervasive misunderstanding of Canadian constitutional history. Many Canadians imagine that Confederation in 1867 is in some respects a more peaceful equivalent of the Americans' 1776, that it heralded a separation from Britain and achievement of nationhood. The true hinges of Canada's constitutional history—the achievement of self-government in 1848, and the Statute of Westminster in 1931—do not resonate with Canadians at all. The outward continuity of the governor general's office throughout this period masks the fundamental changes in function that occurred. Interestingly, while historians and other observers ignore the real and significant change that occurred in how the office functioned after 1848, they impose an artificial and misleading break in events at 1867. Lord Monck, the governor general at the time of Confederation, had in fact filled the role since 1861, yet most sources describe him as having assumed the office in 1867.¹⁰ Confederation in 1867, the event usually seen as the watershed in Canadian history, did not herald any substantial change in the governor general's role. He was thenceforward officially styled the "governor general", rather than "captain general and governor in chief", but this adoption of the title that had long been used in practice was not immediately accompanied by any revised set of duties. The negotiation of the coalition government that was a key enabling force behind Confederation allowed the governor general to retreat from his former level of

political involvement. But the coalition, and not Confederation itself, was the causal agent that brought this about. Going along with this fundamental distortion in the historiography of the office is a tendency to discount any continued role for the governor general after 1867. Any function he carried out as resident head of state and guardian of the constitution is dismissed as being merely ceremonial, or, at worst, a misguided attempt at imperial interference.

Prior to any consideration of each office holder, it is necessary to come to some understanding of the bare, constitutional parameters of the role—the letter, if not the spirit, of the office of governor general. Until the documentation was standardised in 1878, each governor general brought with him specially drawn up Letters Patent and Instructions. The Letters Patent offered vague direction at best, and many of the powers they conferred upon the governor general were, if not obsolete, then certainly misleading. The governor was empowered to appoint Judges, Commissioners, Justices of the Peace, and other officers and ministers, and to remove or suspend any of these from office. He was authorized to grant a pardon or respite to any offender convicted of any crime. He was authorized to exercise all of the sovereign's power in respect to summoning, proroguing, or dissolving Canada's legislature. He was further empowered to give authority to the several lieutenant governors and to appoint deputies. He was authorized to exercise the Queen's power with respect to marriage licenses, letters of administration, probates of wills, and with respect to the custody and management of those with mental illnesses or disabilities and their estates. The Letters Patent also instructed that "We do hereby require and command all Our Officers and Ministers, civil and military, and all other the inhabitants of Our said Dominion of Canada, to be obedient, aiding and assisting unto you in the execution of this Our Commission".¹¹

The accompanying Instructions are likewise unhelpful in forming a clear concept of the actual duties of the viceregal office. The Instructions required the governor general to take an Oath of Allegiance, and to administer the oath to those holding offices of trust. The governor general was instructed to communicate to Canada's privy council these instructions and any other that should be imparted to them from time to time. He was to summon the privy council, which was not to conduct any business unless four members were present. If the governor saw

“sufficient cause to dissent from the opinion of the major part... of ...said Privy Council” he was authorized to execute his powers in opposition to their opinion, although the privy council was to record the reasons for any advice. The privy council was to keep a full journal of all its proceedings. The governor was to ensure that all laws assented to by him in the Queen’s name were transmitted to Her Majesty, accompanied by any explanations necessary. He was also to transmit copies of the proceedings of Canada’s parliament. Until 1878, the governor general’s instructions forbade him to give assent to any bill for divorce; for granting land or money or gratuity to himself; for making paper or any other currency legal tender; for imposing differential duties; contrary to treaty obligations; interfering with the discipline or control of naval or military forces of the Crown; interfering with the royal prerogative, or the rights and property of British subjects outside Canada, or with the trade and shipping of the United Kingdom and its dependencies; or containing provisions to which the royal assent had already been refused or which had been disallowed.¹² The instructions referred to the power granted to the governor general by his Commission to pardon criminals and indicated that, while the advice of the privy council should be sought, such pardons should be granted “according to your own deliberate judgment”, whether or not members of the privy council concurred.¹³ The only references the instructions made to the privy council thus implied that the governor general was free to override its advice if he was satisfied that he had sufficient reason. A governor who chose to follow this written guide to the letter would have quickly found himself embroiled in controversy.

The written description of the office took little account of the constitutional usages that had limited viceregal power since 1848. “Doubtless this is all very indefinite,” admits Arthur Berrriedale Keith of the Letters Patent and accompanying instructions, “but it is in accord with the British love for leaving matters of this kind to be regulated by practice.”¹⁴ Goldwin Smith, an ardent nineteenth-century critic of the viceregal office, described the Canadian constitution as having “a false front of monarchy”. The governor general represented the King “who reigns and does not govern”. While everything was done in the names of “these images of Royalty”, “if they dared to do anything themselves, or to refuse to do anything that they were told to do, they would be instantly deposed”. Canada, he noted, “prays each Sunday that

they may govern well, on the understanding that Heaven will never be so unconstitutional as to grant her prayer".¹⁵ Clearly, the written documents surrounding the office of governor general do not in themselves provide a very clear picture of the actual duties and powers that might be exercised.

Then, as now, however, the powers of the viceregal office were shaped to a considerable extent by convention.¹⁶ Elgin, of course, is most significant in the realm of establishing conventions, since the granting of responsible government was entirely by convention and not enshrined in any statute. Yet not all conventions had hardened into firmly established constitutional principles. The question of acting on ministerial advice in the dissolution of parliament is a good example: Sir Edmund Head and Lord Monck interpreted their duties differently under similar circumstances. Monck granted a dissolution to John Sandfield Macdonald's ministry in 1863, although an alternative ministry might have been formed. He deviated deliberately from Head's example of 1858, rather than citing it as a precedent, believing that it was necessary to redress the perceived injustice of Head's refusal of a dissolution to George Brown's Liberal administration.¹⁷ Revealingly, both Head and Monck were criticised for their actions at home. Long delays in trans-Atlantic communication meant that, while it was possible for the Colonial Office to issue directives about long-term goals, the governor was left to his own best judgement in dealing with an immediate crisis. He could only hope that no emergency might arise during his term of office that might require a decision about the use of his reserve powers—the need to disallow legislation, refuse ministerial advice, dismiss an administration, or exercise his own judgment in appointing a prime minister when the choice was not obvious.¹⁸ The infrequency of such actions does not mean that these powers had lapsed, only that great risk was attached to using them, and that other, less provocative, remedies were usually available. Frank MacKinnon has likened the modern governors general (and lieutenant governors) to "constitutional fire extinguishers with a potent mixture of powers for use in great emergencies".

Like real extinguishers, they appear in bright colours and are strategically located. But everyone hopes their emergency powers will never be used; the fact they are not used does not render them useless; and it is generally understood there are severe penalties for tampering with them.¹⁹

As early as 1839 Lord John Russell recognized that responsible government hinged upon all parties exercising restraint, and not pushing to the limit those powers they possessed. Both in Britain and in a colony, “a sovereign using the prerogative of the Crown to the utmost extent, and the House of Commons exerting its power of the purse, to carry all its resolutions into immediate effect, would produce confusion in the country in less than a twelve-month”, he explained. “Each must exercise a wise moderation”.²⁰

Despite the frequently asserted axiom that the role of the governor general is analogous to that of the monarch, the conventions governing each are markedly different. By Victoria’s reign, it was understood that the monarch would act on the advice of her ministers. This was not necessarily true in the case of a governor, but in his case less risk was attached to such controversial action. Keith argued that since the governor was “not permanent like the King... if he err[ed] he...[could] be recalled”.²¹ Walter Bagehot, too, seemed to see the governor’s impermanent status as at least partially advantageous. In his assessment of the English constitution, Bagehot remarked on the need for an impartial arbiter to check party zeal and the self-seeking impulses inherent in parliamentary government. “But can such a head be found?” he asked.

In one case I think it has been found. Our colonial governors are precisely *Dei ex machina*. They are always intelligent, for they have to live by a difficult trade; they are nearly sure to be impartial, for they come from the ends of the earth; they are sure not to participate in the selfish desires of any colonial class or body, for long before those desires can have attained fruition they will have passed to the other side of the world, be busy with other faces and have other minds, be almost out of hearing what happens in a region they have half forgotten.²²

Sir Edward Bulwer Lytton, during his brief tenure as colonial secretary, sent a few “desultory hints” to Sir George Bowen, a new appointee to the governorship of Queensland. “Remember”, Bulwer Lytton admonished, “that the first care of a governor in a free colony is to shun the reproach of being a party man. Give all parties and all the ministries formed the fairest play.”²³ Alpheus Todd insisted that the governor’s position must be one of “strict neutrality”. “He must manifest no bias towards any political party, but on the contrary be ready to make himself a mediator and a moderator between the influential of all parties”.²⁴

This impartiality would especially be required if the governor general should find that no single party was able to form a government and negotiations to form a coalition became necessary. Factional bitterness between political rivals could make it difficult for smooth negotiations to take place, and the role of the governor general as the instrument through whom adversaries could come to terms should not be overlooked. The governor general—like the sovereign—would presumably be someone with considerable parliamentary experience, who could enable warring politicians to co-operate for the public good, yet still save face.²⁵

Definition of the governor general's duties is further complicated by the dual nature of that role before 1926. Responsible government implied that he would act on the advice of his ministers under normal circumstances, but this did not, of course, obviate the necessity to follow instructions from the Colonial Office. The governor general was required to disallow or reserve any Canadian legislation that was contrary to any imperial statute which extended in its operation to Canada. Legislation concerning trade regulations and tariffs, and that touching upon British treaty obligations was especially subject to scrutiny. In this respect, the governor's role differed considerably from that of the Queen: the royal veto of the governor general was very much "an active and not a dormant power".²⁶

Further, the governor general could be called upon to fulfil a quasi-diplomatic function with respect to the United States. Elgin's successful negotiation of the Reciprocity Treaty in 1854 is one example of this. The Reciprocity Treaty, however, was sought in the interests of the British North American provinces, and only indirectly those of the empire at large. At times, British interests would be at stake, and the governor general would be in the unenviable position of having to pursue simultaneously the diplomatic agenda of both Canada and his home government. *The Times* remarked on Dufferin's appointment that "the intimate relation in which the Dominion stands to the United States" was what "chiefly distinguishes the position of a Governor-General of Canada". The example of the Washington Treaty of 1871 was cited as an occasion "on which our Governors-General have been called on for considerable diplomatic skill".²⁷ Herman Merivale, permanent under-secretary at the Colonial Office, pointed out that the governor, who was "the only political link connecting the colony with the mother country... must see that the mother country

receives no detriment. In this duty he cannot count on aid from his advisers: they will consult the interests either of the colony or of their own popularity".²⁸

As the first to hold office under the new system of responsible government, subject to direction from two sets of ministers, Elgin looked optimistically to the day when his changed duties as governor general should be clearly defined, but complained that:

until that middle term which shall reconcile the faithful discharge of his responsibility to the Imperial Gov[ernment] and the Province with the maintenance of the quasi monarchical relation in which he now stands towards the community over which he presides, be discovered and agreed upon,—he must be content to tread along a path which is somewhat narrow and slippery, and to find that incessant watchfulness and some dexterity are requisite to prevent him from falling, on the one side, into the *néant* of mock-sovereignty, or on the other, into the dirt and confusion of local factions.²⁹

Interestingly, Head described his dilemma in strikingly similar terms. He had been flattered to hear second-hand reports of how pleased the colonial secretary was with his governorship of New Brunswick, but reported that it was unlikely to make him vain as "I have a deep conviction as to the fallibility of Governors and the slippery nature of the paths on[?] which they have to walk".³⁰ Almost three decades later, the ambiguity had not been resolved. Dufferin remarked that

A Colonial Governor is like a man riding two horses in a circus—no matter how completely he has the one beast under control, the other will be sure to play him some unhandsome trick, by flying off at a tangent on the strength of a false rumour, or some extraneous hallucination.³¹

It should be stressed, however, that the fact that the governor general was answerable to the imperial government in no way implied that he would be likely to intervene in a domestic constitutional matter. The tendency of liberal historians to conclude that the decision of the 1926 Imperial Conference reduced the governor's role to that of a rubber stamp and signalled the end of his role in safeguarding the constitution arises from a muddled grasp of the two distinct areas of gubernatorial responsibility.³²

Even when convention dictated that he carry out his duties on ministerial advice, Elgin believed that the governor general still had an important role. By acting with tact and firmness he "may hope to establish... a moral influence in the Province which will go far to compensate for the loss of power consequent on the surrender of patronage to an Executive responsible to the local Parliament."³³ John

W. Cell has noted that responsible government did not mean a simple diminution of the governor's powers, but a profound change in how they were exercised:

He had to be more subtle, giving way gracefully before an incident could develop, planting an idea in the mind of a politician only to feign surprise when it was suggested to him a few days later.... The government of colonies became if anything a more difficult and exacting job. It did not, at least at first, become less important.³⁴

The governor general, Elgin had concluded by the end of his term, could have "great weight in the Colonial Councils" and could "constitute himself in a special manner the patron of those larger and higher interests—such interests for example as those of education and of moral and material progress in all its branches, which unlike the contests of party unite instead of dividing the members of the body politic".³⁵ The governor general's "exalted position", Todd agreed, enabled him "to encourage public and private morality".³⁶ Dufferin immodestly described the governor general as "a representative of all that is august, stable, and sedate in the country; incapable of partisanship, and lifted far above the atmosphere of faction".³⁷ In 1910 Wilfrid Laurier praised Earl Grey, whose term as governor general was coming to an end, asserting that "his constant object was to advance and to elevate the national character in everything, and in all the human speculations which go to make up the highest expression of civilization".³⁸

This open-ended question of influence, along with the matter of constitutional convention, left the limits of the viceregal role largely undefined. "The Governor General of a great Colony has a singularly composite character", *The Times* explained helpfully. "He is something of a constitutional King, something of a Prime Minister, something of a Home Secretary, and last, not least, something of a hospitable country gentleman."³⁹ The Marquis of Lorne, who succeeded Dufferin in office, confessed his ignorance of the requirements of the position, and gallantly expressed to Dufferin his conviction that no one could adequately follow him. "So I shut my eyes, shudder and say 'I'll try'. I rely on your footsteps to give me all the help you can." There followed a list of questions about the current state of Canadian politics, personal staff, accommodations, entertainment, and protocol. "I want... in short to know all instead of next to nothing". "I am in fear & trembling", he confessed.⁴⁰ His fears were well founded. A governor general like Lisgar who kept

a low profile was likely to be accused of indolence,⁴¹ but an active one, like Dufferin, was viewed by some as meddlesome. A more active governor was not necessarily a better governor.

Given the elastic nature of the governor general's role in the constitutional, social, cultural and moral spheres, it becomes especially important to consider the circumstances under which each incumbent operated, and their individual characters. In large measure the grey areas of the governor general's role might be reduced to a dynamic interplay of character and circumstance.⁴² It is helpful, and indeed necessary, to come to some understanding of the nature of the individuals who held the viceregal role. "Character", W.L. Morton observed in a study of Lord Monck, "is of more than usual importance to a man who, by the nature of his office, must persuade rather than command."⁴³ Yet assessments of character must be made with extreme caution. The historian is forced to construct a mental image using only the tools of surviving correspondence, which may represent only a portion of the whole; contemporary descriptions by acquaintances and colleagues who were not without their own biases; and simple extrapolation derived from actions taken. Photographs and other visual images are an intriguing supplement, but it is easy to use them simply to confirm preconceived ideas. The long exposure times of nineteenth century photographs gave portraits a frozen quality that hides subtle clues to character. This caveat notwithstanding, a mental image of historical figures as flesh and blood people can be a helpful means of remembering that they were, in fact, individuals.

Though it might be intriguing to attempt a kind of prosopographical study of the viceregal office to arrive at a profile of a "typical" governor, attempts that have been made to do something of the kind have not yielded any clear findings.⁴⁴ The five office holders considered in this study did share a number of attributes in common, but they prove resistant to treatment as a "type". All were aristocratic, broadly speaking, seen in the Canadian context, but only Dufferin, and arguably Elgin, belonged in the innermost circle of the peerage. All, save Sir Edmund Head, originated in the Celtic fringe of the British Isles. Head was also unique in that he remained a baronet, and was not made a peer. Of the others, Monck, and Dufferin originally held Irish titles, while Elgin was a Scottish peer. Even before his Canadian appointment, Dufferin was a member of the United Kingdom peerage, and

enjoyed considerable wealth and influence in court. Elgin was rewarded for his service in Canada with a United Kingdom peerage, and was well connected at court, but his estate was heavily encumbered. Although Monck and Lisgar were granted titles in the United Kingdom peerage, they did not have Dufferin's wealth or connections.

The five had varied backgrounds and experience, yet none seems to have been chosen for any specific skill. Up until the 1840s, governors general were frequently military men. In fact, Head recommended to Newcastle that his successor should be "a *distinguished* military man", venturing that, given the climate of the American Civil War, an experienced military governor "would be worth as much as 3,000 or 4,000 troops". Newcastle resisted the idea, however, noting that "the government of military men in Canada has not been upon the whole very encouraging for a repetition of the experiment".⁴⁵ With the exception of Dufferin's brief adventure as an observer in the Crimea, none of the five had any military background. In the event, military affairs occupied Monck to an great extent during his years in Canada. Three of these governors general had previous colonial experience, although the utility of that may be questioned. Elgin's stint in Jamaica, or Lisgar's in the Ionian Islands and New South Wales may not have offered much useful basis for comparison. Although New Brunswick was a much smaller and less politically advanced colony, Head's experience there might have been marginally more useful. All five spoke French, Elgin with real facility. This offered the governor general a real advantage in political negotiations and was an important social asset, something that would contrast sharply with the limitations hampering anglophone politicians. Most of the problems that each governor had to contend with cropped up quite early in his term of office. Elgin arrived in 1847 and his struggle over responsible government reached its crisis in 1849. Monck and Dufferin were even less fortunate. The *Trent* crisis erupted when Monck had been in Canada mere weeks. Dufferin had to contend with the Pacific Scandal after less than a year in office. All except Head had some parliamentary experience, and Lisgar was distinguished by having a great deal of it. Ironically, Lisgar was the only one who faced a completely stable political climate in Canada, with John A. Macdonald solidly in office during the whole of his term. Head, who had never sat in

parliament, had to contend with a highly factious and tumultuous political environment. Dufferin was the only one of the five with actual diplomatic experience at the time of his appointment, although both Elgin and Lisgar were drawn into diplomatic questions with the United States during their tenure.

The fact that the post carried a salary seems to have weighed heavily with most of the men who accepted the appointment. Yet Elgin was only the first of the five to discover that the financial rewards of the office were illusory. He found that he bore heavy expenses in maintaining his official residence, and was constantly surprised as new costs were revealed. He learned that he was financially responsible for keeping the road to Monklands, his official residence in Montreal, clear of snow, and that travel outside the capital, which was expected, was to be at his own expense. He was expected to give frequent dinners for members of parliament "about 20 men" two or three times a week.⁴⁶ "The fact is", he confided to his wife, "that without care I do not think my income here will cover all expenses. It amounts to about £6,500 a year though it is called 7000". He resolved to write to the colonial secretary about it, although there is "nothing I dislike so much as writing begging letters".⁴⁷ He reported to Grey that he had been told that Metcalfe spent £6,000 per year of his own money over and above his official income: "A little hard this on poor successors".⁴⁸ Monck confessed to his son Henry that money "one of the *principal* objects I had in coming out to Canada". The family estate was encumbered with inherited debt of some ninety thousand pounds, and Monck's financial obligations included the support of his wife's five unmarried sisters as well as two of his own. The sacrifice seems to have been in vain, since Monck found the expenses of office such that he was unable to save a penny while in Canada.⁴⁹ Sir John Young's appointment came at a time when a Canadian bill to reduce the governor general's salary—set at £10,000 at the time of Confederation—was being scrutinized in Britain. It was widely rumoured that several high-profile candidates, including Lord Mayo, had consequently declined the post. Sir Charles Tupper worried that owing to the "mischief" over the salary, the British government would "now have to fall back upon some third-rate man".⁵⁰ In the event, the bill did not receive Royal assent and the salary remained unchanged. Mayo, meanwhile, accepted the post of Viceroy of India and was killed there in 1872. Dufferin had more resources than most of his

predecessors in the office, yet the evidence suggests that he too experienced financial strain. Lord and Lady Dufferin spent their own money lavishly to raise the standard at Ottawa's Government House, redecorating and outfitting Rideau Hall for entertaining. The Canadian government bore the expense of a new ballroom, while Dufferin himself paid to have a curling rink built.⁵¹ He also had a steep wooden toboggan slide constructed for the amusement of the family and guests.⁵² The Dufferins began to use the Citadel in Quebec as an additional official residence, Spencer Wood becoming the home of the lieutenant-governor of Quebec.⁵³ The Duke of Argyll wrote scolding Dufferin "so you are going to set up a 'permanent house' in every city of Canada by turns. You will infallibly ruin your Paddy self'."⁵⁴ A Canadian observer noted that "[i]t was Dufferin's failing that he had little or no sense of the value of money." Dufferin reportedly considered it undignified to receive his salary by cheque, and proposed instead that the amount be deposited to his credit at the Bank of Montreal. This led to complications and some degree of awkwardness when the governor general overdrew the account heavily.⁵⁵ Near the end of his term Dufferin calculated that he would "be able to cry quits with Canada, or make my wife a Christmas box of £1000 as the fruits of my industry".⁵⁶

All five of the governors were married men; indeed a suitable wife was almost an essential qualification for the role, especially in the later part of the period when the ceremonial and social aspects of the office grew. As the governor general's political duties receded, this nebulous function became more conspicuous and the wives of the governors general took on greater importance.⁵⁷ An early twentieth-century observer commented that "so many high traditions have clustered around Government House at Ottawa that it now requires a woman of more than ordinary endowments to live up to them".⁵⁸ Only with the advent of the Dufferins were the social possibilities of the viceregal role fully exploited. Lady Elgin, the former Mary Louisa Lambton, was not present in Canada during the whole of Elgin's term, and was absent from the social sphere at other times because of pregnancy and childbirth. Yet, as the daughter of Lord Durham, she proved to be, one biographer noted, "a passport to the hearts of many in Canada".⁵⁹ Lady Head, who emerges from photographs as a plain but dignified-looking woman, has been described as "a

woman of fine presence, bright and intellectual”, much given to acts of charity, but she did not seem to take a high profile socially.⁶⁰

Lady Monck was resident in Canada for only four of the seven years that made up her husband’s term of office. Part of this was attributable to the need to seek out specialized education in Paris for Frances Mary, or “Fan”, the Monck’s eldest daughter, who became deaf and mute at an early age because of scarlet fever.⁶¹ Lady Monck had been similarly reluctant to leave Ireland while Monck served as an MP and had declined to enter into London society.⁶² On the second anniversary of sailing from Derry, Lady Monck remembered her trepidation and tears upon departing for Canada: “I do not think better of the whole thing now than I did then, but there must be some reason why God has moved us from home... *He must* know best.”⁶³ The move from Spencer Wood in Quebec to Rideau Hall in Ottawa did nothing to reconcile Lady Monck to Canada. “The members [of parliament] are so angry at being brought here, no wonder”, she confided to her son Henry. “I hate it for Papa.” She admonished him to keep her complaints secret from Lord Monck. “If it was a life fit for him, I should not mind; but you see it is not, except for the money.”⁶⁴ When Monck’s term of office drew to a close, Lady Monck rejoiced to her absent children that “this very dark time is nearly over”.⁶⁵ Lady Monck was reputed to be a very private person who was sometimes taken aback by the informal Yankee customs that had crept into Canadian society.⁶⁶ A 1907 feature in *Canadian Magazine* praised the “clever, tactful and winsome wives” of the governors general, and pronounced that each—“with, at most, one exception”—was a great success. The exception, in the reporter’s view, seems to have been Lady Monck. She was criticized for being too formal and lacking warmth.⁶⁷ The obligatory social duties that might not trouble a more extroverted nature, were torture for Lady Monck. “I think these Saturday evenings are such bores—”, she confessed to her son, “such a drove of horrid people there and no others. My back gets quite stiff—drawing myself up lest they should insist on shaking hands with me.”⁶⁸ She was not impressed with many of the wives of Canadian politicians. The wife of John Sandfield Macdonald was, she allowed, “more presentable than Mme Cartier, tho’ I don’t like her much”.⁶⁹ Despite her failure to win widespread popularity, Lady Monck did make some friends among Ottawa’s elite political circle. Thomas D’Arcy

McGee called her “my Governess General” and described her as “one of my best friends”.⁷⁰ John Rose and his family were also on intimate terms with the Moncks, as was Edmund Meredith, a senior civil servant. Meredith found Monck “most affable”, while Lady Monck was reportedly very gracious, thanking Meredith for making her laugh and letting her growl about life in Canada. She promised to send him a card whenever she wished to have a growl about Ottawa, putting “growling” instead of “music” or “dancing” in the corner.⁷¹ John A. Macdonald, according to the Monck children, earned a place in their mother’s bad books by vomiting on the new chair covers in the drawing room.⁷² Monck’s sister-in-law, Lady Frances Elizabeth Monck, or “Feo” as she was known, also spent considerable time at Rideau Hall, and was no more impressed with Canadian life and social customs. At the Governor’s New Year levee she hid behind a windowed door and watched in fascinated horror at all the tradesmen who came to call. She strongly suspected that many of them had only come for the lunch and lamented that “the G.G. had to shake hands with *everyone* of the dirty people”.⁷³

Lady Lisgar has been excused by historical observers from the usual social duties on the grounds that she and her husband were elderly and in indifferent health and “therefore cut no great swath in the life of the country”.⁷⁴ Their dinners for Canadian ministers have been described as gloomy affairs, punctuated by long silences. Parties at Rideau Hall ended early, and abruptly, Florence Hamilton Randal reported: “when guests were invited till the hour of eight p.m., the gas went out at the fateful stroke, and the forlorn guests, huddled in the dark on the steps, waited impatiently for their carriage to ‘block the way.’”⁷⁵ James Young, another contemporary observer, contradicted this impression by asserting that

Rideau Hall gained in reputation for hospitality and gaiety under Sir John and Lady Young. Her Ladyship was still a remarkably beautiful English-woman, accomplished in music and art, and her charming manner made her as popular a hostess at Rideau Hall as she had been at Phoenix Park, Dublin, and in New South Wales.⁷⁶

Henry J. Morgan agreed, asserting that Lady Lisgar

For years led society in its most brilliant phase, and made her social state resplendent by her social attributes. As mistress of The Lodge, in Phoenix Park, no one ever excelled her in the art of rendering her salons the centre of the reunions of a brilliant city.⁷⁷

While Lisgar was almost sixty-two when he came to Canada—and by some accounts “constitutionally older than his years”⁷⁸—his wife seems to have been considerably younger. She was reportedly born in 1821, which would have made her only fourteen years old when she married the twenty-eight-year-old Young in April 1835,⁷⁹ and forty-eight when in Canada—not in the first blush of youth, but hardly elderly. Lady Lisgar, the former Adelaide Annabella Dalton, described as “one of the noted beauties of her day”,⁸⁰ was the daughter of Edward Tuite Dalton and his wife Oliva, afterwards Marchioness of Headfort.⁸¹ Agnes Macdonald, wife of the prime minister, called upon the new governor general’s wife soon after her arrival, but Lady Lisgar was clearly not among her favourite chatelaines. She disapproved of the sedentary luxury in which Lady Lisgar lived and thought she kept the rooms overheated. Such self-indulgence was neither healthy, nor wise, the more austere Lady Macdonald believed.⁸² Madame Desbarats, the wife of the Queen’s printer in Ottawa, was dismayed by Lady Lisgar’s haughty and cold manner when she dined at Government House. She only learned later that the gown she was wearing was an exact copy of one of Lady Lisgar’s own favourites, carefully reproduced by an Ottawa dressmaker.⁸³

Lady Dufferin marked a clear departure from her predecessors, and proved to be a strong ally in Lord Dufferin’s quest to exploit the social potential of his role. Sandra Gwyn aptly suggested that Dufferin and his wife did not “so much embroider... upon the office of Governor General as reinvent” it.⁸⁴ The Dufferins brought their two youngest children, Hermione and Basil, to Canada with them, initially leaving the others—Helen, Archibald, Lord Clandeboye, and Terence—behind to try “to learn a little French”.⁸⁵ Two additional children, Victoria and Frederick, were born in Canada. The arrival of her sixth and seventh child scarcely seemed to slow down the redoubtable Lady Dufferin, who quickly resumed a punishing schedule of social engagements, touring, and entertaining.⁸⁶ Her energy and enthusiasm were truly astonishing. Her journal entry for 15 February 1878 is not atypical. After a late night banquet, she and Lord Dufferin played a morning curling match, “the Viceregal Club against the Three Rivers—for the Caledonian medal”. (“[A]las! we lost by one point”). This was followed by an hour’s skating, after which the viceregal couple hurried home to dress for a reception, and then played

host to the chief justice, who had been invited for tea. After a dinner engagement they opened an exhibition for the Art Association of Montreal. "Some of the principal people came to our room afterwards", she records.⁸⁷ Lord and Lady Dufferin seem to have been kindred souls in this regard; her memoir of Burma noted that Dufferin gave seventeen speeches in one day.⁸⁸ In Canada, dinner parties for twenty-five were an almost daily occurrence, punctuated by larger, more formal affairs—balls, receptions, skating and garden parties—where the guest lists could exceed one thousand. The viceregal couple never seemed to tire of official duties that other incumbents found tedious. Lady Dufferin wrote with genuine warmth and enthusiasm of receiving bouquets from schoolchildren, of listening to their songs ("I cannot tell you what a pretty ceremony it was"),⁸⁹ of overseeing decorations for balls, of making arrangements for amateur theatricals to entertain guests, of touring factories, convents, asylums, prisons and hospitals.

Yet Lady Dufferin appears to have been happiest salmon fishing and canoeing at Tadoussac. She was unperturbed by sleeping in a rain-soaked tent with a pen knife under her pillow in case she had to cut her way out to escape from bears. She was only mildly dismayed when she and Lord Dufferin burned the only boots they had with them by sitting too close to the fire, and she gamely ate squirrels for dinner, although they were "very nasty" and tasted of turpentine.⁹⁰ The viceregal couple accepted an impromptu invitation to a fellow fisherman's shanty on the St John River but learned after several hours' journey that their host had no blankets. "We swear that we like doing without blankets, and he is happy". Not surprisingly, Lady Dufferin caught cold, but that did not prevent her from visiting a fish salting operation at Percé, the details of which she noted in her journal with genuine interest.⁹¹ Likewise, an inspection of the local coal mines was something she "did not like to miss".⁹²

The seemingly boundless energy of Lord and Lady Dufferin made them unparalleled in their fulfilment of the social and cultural duties of the viceregal office. They set a new, higher tone for the office of the governor general, one that would perhaps guarantee its continuation in the future when the direct constitutional duties of the post receded. From Dufferin's term of office, the viceregal role became primarily associated with its burgeoning ceremonial, social and cultural traditions.

The governor general increasingly would be expected to travel throughout the Dominion, giving speeches, awarding prizes, touring facilities, and promoting cultural pursuits.⁹³ This function has now become the most visible aspect of the role, and perhaps the most obvious focus for a study of the governor general. The present study, however, will only address the ceremonial component of the office in a peripheral way. The constitutional element of the role, by its very nature, has usually been obscured, except in time of crisis. As the governor general's function in the political and constitutional spheres has been less understood, it is an inviting topic for study. Most significantly, the confluence of constitutional precedents and conventions, and the element of personality merits closer attention.

The following chapters will consider incidents in the term of office of each of the five governors general between 1847 and 1878. Collectively, these incidents help to reveal the evolution of the governor's constitutional role. As part of this analysis, elements of character will be discussed. Despite some attributes in common, it is undeniable that these five men were not only distinct, but very different individuals. Elgin, while family-oriented and often sentimental, was matter-of-fact and pragmatic in dealing with the demands of colonial government. Head was highly cultured and educated, but perhaps lacked the common touch that might have enabled him to smooth over political factions. Monck's previous experience was not especially promising, yet his personal attributes enabled him to successfully negotiate considerable diplomatic and political challenges. He was intelligent and open-minded, and possessed the right mix of flexibility and firmness. Lisgar, in keeping with his previous parliamentary experience, tended to exercise most of his influence behind the scenes. He attracted little attention to himself or his role, either from contemporaries or later historians, and his activities have been consequently underestimated and misjudged. Dufferin, by contrast, was flamboyant by nature. He frequently had to vigorously resist his own impulses to get involved in political controversies, but, on the positive side, his high-profile social and cultural efforts did much to elevate the status of the viceregal office. These intangible factors—the elusive question of character—mattered a great deal. Even if on occasion a governor general with specific skills—military, political, or diplomatic—had been sought, there were no guarantees that the circumstances that arose during his term would be

those requiring that experience. Indeed, events usually transpired otherwise. The chapters that follow are an attempt to trace this interplay between character and circumstance that makes up the history of the governor general's office.

¹ The phrase was coined by Tweedsmuir. Quoted in Janet Adam Smith, *John Buchan: A Biography* (Toronto: Little, Brown & Co., 1965), 395.

² Analogies might be drawn with the British monarchy. See David Cannadine, "The Context, Performance and Meaning of Ritual: The British Monarchy and the 'Invention of Tradition', c. 1820-1877" in *The Invention of Tradition* Eric Hobsbawm and Terence Ranger, eds. (Cambridge: Cambridge University Press, 1983), 101-164.

³ Theodore Walrond, ed. *Letters and Journals of James, Eighth Earl of Elgin* (London: J. Murray, 1872); George Wrong, *The Earl of Elgin* (London: Methuen, 1905); John George Bourinot, *Lord Elgin* (London: T.C. & E.C. Jack, 1905); W.P. M. Kennedy, *Lord Elgin* (London: Oxford University Press, 1926); John L. Morison, *The Eighth Earl of Elgin: a Chapter in Nineteenth Century Imperial History* (London: Hodder & Stoughton, 1928). Useful biographical details may be found in "James Bruce" in *Dictionary of Canadian Biography*, IX, 89-93, and "Bruce, James" in *Dictionary of National Biography*, vol. III, 104. The later biographies are Sydney Checkland, *The Elgins, 1766-1917: A Tale of Aristocrats, Proconsuls and Their Wives* (Aberdeen: Aberdeen University Press, 1988) and Theodore Vrettos, *The Elgin Affair* (New York: Arcade Publishing, 1997).

⁴ James A. Gibson, "The Life of Sir Edmund Walker Head, Bart." D. Phil. Dissertation (Oxford University, 1938); D.G.G. Kerr, *Sir Edmund Head. A Scholarly Governor* (Toronto: University of Toronto Press, 1954).

⁵ W.L. Morton, ed. *Monck Letters and Journals 1863-1868. Canada from Government House at Confederation* (Toronto: McClelland & Stewart, 1970); Elisabeth Batt, *Monck, Governor General 1861-1868. A Biography* (Toronto: McClelland & Stewart, 1976).

⁶ This material may be read in the original at Nottingham University Archives or on film at the National Archives of Canada. Restrictions limit outside access to this material. See Darrell Munsell, *The Unfortunate Duke: Henry Pelham, Fifth Duke of Newcastle, 1811-1864* (Columbia, Missouri: University of Missouri Press, 1985) for details on the circumstances that led to the decision to limit access to the collection.

⁷ O'Donnell, Dan. "Lord Lisgar: from Governor of New South Wales to Governor-General of Canada" *Journal of the Royal Australian Historical Society* 76 (1991): 254-273.

⁸ *Speeches of the Earl of Dufferin* (Toronto: J. Ross Robertson, 1878); C.W. de Kiewiet and F.H. Underhill, eds. *Dufferin-Carnarvon Correspondence, 1874-1878* [hereafter DCC] (Toronto: The Champlain Society, 1955); William Leggo, *The History of the Administration of the Right Honorable Frederick Temple, Earl of Dufferin* (Montreal: Lovell, 1878); George Stewart, *Canada Under the Administration of the Earl of Dufferin* (Toronto: Rose-Belford, 1878); Charles E. Drummond Black, *The Marquess of Dufferin and Ava, K.P., G.C.B., G.C.S.I., G.C.M.G., G.C.I.E., P.C., Diplomatist, Viceroy, Statesman* (London: Hutchinson, 1903); Alfred Lyall, *The Life of the Marquis of Dufferin and Ava* (London: Thomas Nelson, 1905); Harold Nicolson, *Helen's Tower* (London: Constable & Co, 1937).

⁹ Walter Bagehot, *The English Constitution* (London, 1964 edition); Alpheus Todd, *Parliamentary Government in the British Colonies* (London: Longmans, Green & Co, 1894); Arthur Berriedale Keith, *Responsible Government in the Dominions*. 2 vols. (Oxford: Clarendon Press, 1928); W.P.M. Kennedy, *Statutes, Treaties and Documents of the Canadian Constitution 1713-1929* (Toronto: Oxford University Press, 1930); Eugene Forsey, *The Royal Power of Dissolution of Parliament in the British Commonwealth*. (Toronto: Oxford University Press, 1943) See also H.V. Evatt, *The King and His Dominion Governors* (London: Frank Cass & Co., 1967 ed.), and the more recent Frank MacKinnon, *The Crown in Canada* (Calgary: Glenbow-Alberta Institute, 1976), and Andrew Heard, *Canadian Constitutional Conventions* (Toronto: Oxford University Press, 1991).

¹⁰ This is true of the governor general's official website, which may be found at www.gg.ca/governor_general/history. Perhaps more surprisingly, it is true of Anthony Kirk-Greene's prosopographical study, which lists Monck as having held office for 1.5 years. "The Governors-

General of Canada, 1867-1952: A Collective Profile" *Journal of Canadian Studies* 12 (Summer 1977), 43.

¹¹ "Draft of a Commission... appointing Viscount Monck to be Governor General of Canada, on and after the first day of July, 1867" *Sessional Papers [SP]*, 1867-68, No. 22. Before 1878 the wording of the Letters Patent and Royal Instructions varied slightly for each appointee.

¹² As indicated above, the wording of the instructions differed in each case, and not all of these examples, taken from the 1867 instructions, appeared in every Governor's instructions. W.P.M. Kennedy notes that between 1867 and 1878, 21 bills had been reserved in accordance with these instructions. See W.P.M. Kennedy, *Statutes, Treaties and Documents*, footnote, p. 672.

¹³ "Draft of Instructions...to Viscount Monck, Governor General of Canada" in *SP*, 1867-68, No. 22.

¹⁴ Arthur Berriedale Keith, *Responsible Government*, I, 84. See also Helen Taft Manning, "Who Ran the British Empire 1830-1850?" *Journal of British Studies* 5 (1965), 89.

¹⁵ Goldwin Smith, *Canada and the Canadian Question* (Toronto: University of Toronto Press, 1971 ed.), 118.

¹⁶ See Andrew Heard, *Canadian Constitutional Conventions*, 16-47.

¹⁷ National Library of Scotland, [hereafter NLS] Ellice Papers, Monck to Edward Ellice, 29 July 1863, MS 15039 ff 27-30.

¹⁸ Lord Aberdeen (1893-98) may be cited as a later example of a governor general unlucky enough to preside over several leadership changes during his short tenure. John A. Macdonald, the unifying force behind the Conservative party, had died just before Aberdeen came to Canada. J.J.C. Abbott, John Thompson, Mackenzie Bowell, and Sir Charles Tupper all held the prime minister's office during Aberdeen's term, making him as John Saywell pointed out, "the most overworked Governor in Canadian history". John Saywell, Introduction, *The Canadian Journal of Lady Aberdeen, 1893-1898* (Toronto: The Champlain Society, 1960), xxxii. See also Barbara J. Messamore, "'On a Razor Edge': The Canadian Governors General, 1888-1911" *British Journal of Canadian Studies* 13 (1998), 376-395.

¹⁹ Frank MacKinnon, *The Crown in Canada*, 122.

²⁰ *Statutes, Treaties and Documents*, Lord John Russell to Poulett Thomson, 14 October 1839, 423.

²¹ Arthur Berriedale Keith, *Responsible Government*, I, 156.

²² Walter Bagehot, *The English Constitution*, 225.

²³ Sir Edward Bulwer-Lytton, as quoted in Alpheus Todd, *Parliamentary Government*, 805.

²⁴ Alpheus Todd, *Parliamentary Government*, 815.

²⁵ Frank MacKinnon has pointed out that in modern times, this function of the crown tends not to become public knowledge, since politicians do not like to advertise the fact that they cannot settle their own differences. Frank MacKinnon, *The Crown in Canada*, 43-54.

²⁶ Alpheus Todd, *Parliamentary Government*, 155. See also H.V. Evatt, *The King and His Dominion Governors*, 12-13.

²⁷ *The Times*, 4 April 1872.

²⁸ Herman Merivale, *Lectures on Colonization and Colonies* (London, 1861 edition), 649.

²⁹ *Elgin-Grey Papers, 1846-1852*, vol. I, [hereafter *EG*] Arthur G. Doughty, ed. (Ottawa: J. Patenaude, 1937) Elgin to Grey, private and confidential, 13 July 1847, 58.

³⁰ National Archives of Canada, [hereafter NAC] Sir Edmund Head Papers, M 194, Head to George Cornwall Lewis, 9 February 1852.

³¹ *DCC*, Dufferin to Carnarvon, private, 18 September 1874, 74. Later attempts to clarify and define the exact nature of the relationship between Britain and the self-governing colonies—and implicitly the role of the governor general—were abandoned for the time being. The Australian delegate to the 1921 Imperial Conference advised that they "leave well alone". Lloyd George agreed, remarking on the power of the Crown that "it is something that has never been defined by an Act of Parliament, even in this country, and yet it works perfectly". H.V. Evatt, *The King and His Dominion Governors*, 269-70.

³² J. R. Mallory "Canada" in *Sovereigns and Surrogates. Constitutional Heads of State in the Commonwealth*. David Butler and D. A. Low, eds. (London: Macmillan, 1991); 42-5.

³³ *EG*, I, Elgin to Grey, private and confidential, 13 July 1847, 58.

³⁴ John W. Cell, *British Colonial Administration in the Mid-Nineteenth Century. The Policy-Making Process* (London: Yale University Press, 1970), 180.

³⁵ Elgin to Grey, despatch, 18 December 1854, as quoted in D.G.G. Kerr, *Sir Edmund Head*, 121-2.

³⁶ Alpheus Todd, *Parliamentary Government*, 813.

- ³⁷ As quoted in R. H. Hubbard, *Rideau Hall: An Illustrated History of Government House, Ottawa, from Victorian Times to the Present Day* (Montreal: McGill-Queen's University Press, 1977), 35.
- ³⁸ As quoted in Robert MacGregor Dawson, *Constitutional Issues in Canada, 1900-1931* (London: Oxford University Press, 1933), 68.
- ³⁹ *The Times*, 4 April 1872.
- ⁴⁰ Public Record Office of Northern Ireland, [hereafter PRONI] Dufferin Papers, D1071/H/B/C/104/11 Lorne to Dufferin, 29 July 1878.
- ⁴¹ D. M.L. Farr, *The Colonial Office and Canada, 1867-1887* (Toronto: University of Toronto Press, 1955), 55.
- ⁴² Donald Creighton, "I think that an historian's chief interest is in character and circumstance". Quoted in *Character and Circumstance: Essays in Honour of Donald Grant Creighton*, John S. Moir, ed. (Toronto, 1970), x.
- ⁴³ W.L. Morton, "Lord Monck, His Friends, and the Nationalizing of the British Empire" in *Character and Circumstance*, 47.
- ⁴⁴ See, for example, Anthony Kirk-Greene, "The Governors-General of Canada", 35-57. R. S. Neale also attempted such a study of governors and executive councilors in Australia. See R.S. Neale, "The Colonies and Social Mobility: Governors and Executive Councillors in Australia, 1788-1856" in *Class and Ideology in the Nineteenth Century*, R.S. Neale, ed. (London: Routledge & Keegan Paul, 1972), 97-120.
- ⁴⁵ James A. Gibson, "The Duke of Newcastle and British North American Affairs, 1859-64" *Canadian Historical Review* 44 (June 1963), 145.
- ⁴⁶ NAC, Elgin Papers, A 401, Elgin to Lady Elgin, 1, 3 and 9 March 1847.
- ⁴⁷ *Ibid.*, Elgin to Lady Elgin, 21 April 1847.
- ⁴⁸ EG, I, Elgin to Grey, private, 29 August 1847, 67.
- ⁴⁹ Monck to Henry, 6 November 1868, *Monck Letters*, 364. Only in later life when he accepted Directorships of the National Bank in London and the Anglo-American Telegraph Company was Monck able to reduce the debt on his estate to twenty-seven thousand pounds. Elisabeth Batt, *Monck*, 16, 172. See also W.L. Morton, Introduction, *Monck Letters*, xiv.
- ⁵⁰ Charles Tupper, *Recollections of Sixty Years in Canada* (London: Cassell & Co., 1914), Tupper to John A. Macdonald, 26 May 1868, 94.
- ⁵¹ Lady Dufferin, *My Canadian Journal, 1872-'78 Extracts from my Letters Home Written While Lord Dufferin was Governor-General* (New York: D. Appleton & Co, 1891), 1 July 1872, 5; R.H. Hubbard, *Rideau Hall*, 25.
- ⁵² Sandra Gwyn, *The Private Capital: Ambition and Love in the Age of Macdonald and Laurier* (Toronto: McClelland & Stewart, 1984), 176.
- ⁵³ R. H. Hubbard, *Rideau Hall*, 23-4.
- ⁵⁴ PRONI, Dufferin Papers, D/1071/H/B/C/95/58 Duke of Argyll to Dufferin, 13 October 1872.
- ⁵⁵ W.T.R. Preston, *My Generation of Politics and Politicians* (Toronto: D.A. Rose, 1927), 82.
- ⁵⁶ DCC, Dufferin to Carnarvon, 1 November 1877, 379.
- ⁵⁷ See Aileen M. Spitere, "Chatelaines at Rideau Hall, 1861-1904" M.A. thesis, Acadia University, 1985.
- ⁵⁸ H. V. Ross, "Vicereines of Canada" *Canadian Magazine* 24 (July 1907), 225.
- ⁵⁹ Theodore Walrond, *Letters and Journals*, 36.
- ⁶⁰ Henry J. Morgan, *Types of Canadian Women*, I (Toronto: William Briggs, 1903), 153.
- ⁶¹ Elisabeth Batt, *Monck*, 84, 16.
- ⁶² Aileen Spitere, "Chatelaines at Rideau Hall", 71-2.
- ⁶³ *Monck Letters*, Lady Monck to Henry, 11 October 1863, 24-5.
- ⁶⁴ *Ibid.*, Lady Monck to Henry, 30 December 1867, 336.
- ⁶⁵ *Ibid.*, Lady Monck to her children, 19 October 1868, 361.
- ⁶⁶ Elisabeth Batt, *Monck*, 84.
- ⁶⁷ H.V. Ross, "Vicereines of Canada", 225. See also Henry J. Morgan, *Types of Canadian Women*, I, 244.
- ⁶⁸ *Monck Letters*, Lady Monck to Henry, 21 March 1863, 14.
- ⁶⁹ *Ibid.*, Lady Monck to Henry, 15 April 1864, 44.
- ⁷⁰ Elisabeth Batt, *Monck*, 83.
- ⁷¹ *Ibid.*, 159, 149.
- ⁷² *Ibid.*, 34.

⁷³ Frances Monck, *My Canadian Leaves: an account of a visit to Canada in 1864-1865* (Toronto: Canadian Library Service facsimile edition, 1963), 4 January 1865, 109. This journal, intended for private circulation within the family, details Feo Monck's aversion to many aspects of Canadian life.

⁷⁴ R.H. Hubbard, *Rideau Hall*, 17.

⁷⁵ Florence Hamilton Randal, "Rideau Hall", 151.

⁷⁶ James Young, *Public Men and Public Life in Canada*, I, (Toronto: William Briggs, 1912), 95-6.

⁷⁷ Henry J. Morgan, *Types of Canadian Women*, I, 205.

⁷⁸ J.C. Dent, *Canadian Portrait Gallery*, IV, (Toronto: John Magurn, 1881), 40.

⁷⁹ See Henry J. Morgan, *Types of Canadian Women*, I, 205. See also Aileen Spitere, "Chatelaines at Rideau Hall", 16.

⁸⁰ John Cowan, *Canada's Governors General: Lord Monck to General Vanier* (Toronto: York Publishing Co., 1965), 17.

⁸¹ Intriguing rumours circulated about Lady Lisgar, who is reputed to have had an affair with her husband's secretary, Sir Francis Fortescue Turville. She married him in 1878 after Lisgar's death. She reportedly sold the Young family estates in Ireland after Lisgar's death and moved to Gloucestershire. Nothing but the baronetcy was passed down to the Young family cousins who were the closest descendants. Lady Lisgar was again widowed in December 1889, and married a third time when she would have been nearing her seventieth year. Henry J. Morgan, *Types of Canadian Women*, 205. I am indebted to the present baronet, Sir John Young of Maidstone, Kent, for his kind willingness to share family legends relating to Lisgar.

⁸² Louise Reynolds, Agnes. *The Biography of Lady Macdonald* (Ottawa: Carleton University Press, 1990), 58.

⁸³ Lilian Scott Desbarats, *Recollections* (Ottawa, 1957), 30.

⁸⁴ Sandra Gwyn, *The Private Capital*, 144.

⁸⁵ Lady Dufferin, *Journal*, 27 June 1872, 5.

⁸⁶ *Ibid.*, 17 May 1873, 82 and 31 March 1875, 232.

⁸⁷ *Ibid.*, 15 February 1878, 406-7.

⁸⁸ Margaret Eadie Henderson, "The Dufferin Family" *Canadian Magazine* 29 (October 1907), 498.

⁸⁹ Lady Dufferin, *Journal*, 12 September 1872, 32.

⁹⁰ *Ibid.*, 5 August to 23 August 1872, 18-27.

⁹¹ *Ibid.*, 14 July 1873, 98.

⁹² *Ibid.*, 24 July 1873, 103.

⁹³ See Barbara J. Messamore, "The Social and Cultural Role of the Governors-General, 1888-1911: British Imperialists and Canadian 'Nationalists'" *Imperial Canada 1867-1917*, Colin M. Coates, ed. (Edinburgh: University of Edinburgh Centre of Canadian Studies, 1997), 78-108.

The "Great Experiment":
Elgin, Grey and Responsible Government

Elgin is deservedly remembered as the governor general who made the single most important contribution to Canada's constitutional evolution. Arguably as significant as Confederation, Elgin's acceptance of and adherence to the principle of responsible government heralded a new era in Canada's political life. It also marked a profound change in the office of the governor general. The year 1848 might be properly seen as the "hinge" of the imperial relationship. Elgin demonstrated that the idea of a self-governing colony, an idea some had dismissed as a contradiction in terms¹, was indeed workable. Such a system, however, would call for a new approach by Elgin and his successors. Still a guardian of imperial interests where external matters were concerned, the governor's role in internal matters was far from extinct, although it had become more sensitive than ever. The governor continued to fulfil the function of constitutional watchdog in the event of a political crisis but, under normal circumstances, left the day-to-day operation of domestic politics to his ministers. Whatever sway the governor might exercise over domestic policy would be determined by his influence, and not by any definable power.² The character, personality and prestige of the governor as an individual became more important than ever. The introduction of responsible government was not firmly fixed in any statute. Elgin's actions, animated by his instructions from Earl Grey, the colonial secretary, and his own philosophy of empire, helped to establish a precedent, a new constitutional convention, that his successors would be bound to follow. Like most trail blazers, Elgin bore the brunt of the difficulties of the transition. The attacks were not only personal but physical. The story of the stormy passage of the Rebellion Losses Bill in 1849 is a familiar one in Canadian history. Nevertheless, the events surrounding it merit attention in a study of the office of the governor general, as they heralded the single most dramatic shift in the nature of that role.

James Bruce, eighth Earl of Elgin and twelfth Earl of Kincardine, was born 20 July 1811 in London, the son of Thomas Bruce, the seventh Earl of Elgin and eleventh Earl of Kincardine, and his second wife, the former Elizabeth Oswald.

From an early age, James Bruce must have been conscious of the notoriety associated with his name. His father, while serving in Constantinople as an ambassador to the Sultan of Turkey had cultivated an interest in Greek antiquities, alarmed by the apparent indifference of the Turks to ancient Greek treasures under their control. He secured permission from Turkish authorities to remove the so-called “Elgin Marbles” from the Parthenon and transport them to Britain. The Foreign Office declined Elgin’s request to finance this rescue—or raid—of neglected antiquities, but Elgin pressed ahead, spending an estimated £62,440 to recover the treasures. The episode played a significant part in the financial hardships that encumbered the family for generations. In 1812, the seventh Earl’s liabilities were estimated at £123,440.³ By 1853, when James Bruce held the Earldom, debts on the estate amounted to £170,000.⁴ But debt was only part of the problem. The seventh Earl’s bid to save Greek architectural treasures was condemned by many contemporaries as the act of a rapacious despoiler, intent on stripping the Greek people of their rightful cultural legacy. Lord Byron called him “the last, the worst, dull spoiler” of Athena’s sacred shrine.⁵ “The Curse of Minerva” re-visits the theme, extending Byron’s condemnation to “all his seed: /Without one spark of intellectual fire,/ Be all the sons as senseless as the sire”.⁶

The seventh Earl also had to bear the notoriety of his widely-publicized marital troubles. While based in Turkey, Elgin fell victim to a mysterious ailment that ate away his nose. He claimed to suffer from an ague, but rumours circulated that the disease was in fact syphilis, contracted in the local brothels.⁷ His beautiful young wife, the bright-eyed and vivacious Mary Hamilton Nisbet, after bearing five children in five years, announced that they should henceforward live as friends, and not husband and wife.⁸ While detained in Paris by Napoleon’s forces, she sought comfort in the arms of Robert Fergusson, the young and handsome heir to an estate in Fife. Her husband learned of her adultery through correspondence intercepted by friends and began divorce proceedings. He sought damages of £20,000 from her seducer, and all the sordid details were aired in court. Servants were called upon to testify about mysterious stains on sofa cushions, and newspapers promised “All the details of her Ladyship’s private life! Exclusive accounts of her affairs in France and England!” While she went on to marry Fergusson, the erring wife found herself

deprived of her children, and was ultimately buried in an unmarked grave because of the enduring shame associated with her name.⁹

James Bruce, the eldest son by Elgin's second marriage, was raised in an atmosphere of evangelical Christianity,¹⁰ and seems to have been inculcated with a strong sense of familial responsibility. His later correspondence showed a deeply-rooted spirit of obligation to the duties associated with Broomhall, the heavily-encumbered Scottish estate to which he fell heir. The seventh Earl and his new wife Eliza spent most of their time in France, where expenses were lower and creditors more distant. Their four children became French speakers.¹¹ James was educated at Eton, and Christ Church, Oxford where his contemporaries included Lord Canning, James Ramsay (later Lord Dalhousie), the Duke of Newcastle, Sidney Herbert and William Ewart Gladstone. Gladstone described the future Lord Elgin as the most eloquent speaker of all those he had known at Eton and Christ Church.¹² Perhaps reacting against his father's profligate habits, James developed what Sydney Checkland described as "an evangelical hatred of waste and ostentatious spending".¹³ In 1832 he was elected Fellow of Merton College. One of the examiners was Sir Edmund Head, who later succeeded Elgin as governor general of Canada.¹⁴ For seven years, James took over the thankless task of managing Broomhall, which at least offered the opportunity to gain business experience. The estate included coal and lime mining operations, and a railway.¹⁵

In 1840, James' elder half-brother, George, Lord Bruce died. This meant that the estates of the seventh earl's first wife, who was still living, would never be united with those of the Elgin family. It also meant that James was now heir to the earldom; his succession came the following year, when the seventh Earl died in Paris. In the meantime, James had accepted the financial help of Sir Robert Preston and launched a political career. In July 1841 he was elected Conservative MP for Southampton. While a Tory, committed to the idea of a hierarchical society, he pragmatically accepted the trend toward democracy and free trade, and believed government must protect the interests of the working class and the weaker members of society. James had also been influenced by his friendship with the renowned Scottish Church leader Thomas Chalmers, whose sermons he committed to memory.¹⁶

The year 1841 also marked James' marriage to Elizabeth Mary, the only child of Charles Lennox Cumming Bruce, a distant relation, and Mary Elizabeth Bruce. Only twenty years old, Elma, as she was known, was a beauty, and heir to the Cumming Bruce fortune. James' elevation to the Scottish peerage rendered him ineligible to sit in the House of Commons, so the new Lord Elgin looked to the option of a colonial appointment.¹⁷ A salaried post was a necessity, given the legacy of debt he had inherited. The appointment of Augusta, Elgin's sister, as lady-in-waiting to Queen Victoria's mother, the Duchess of Kent, offered increased opportunities to bring the family to the attention of the Court. In April 1842, Elgin was offered the post of governor of Jamaica by Lord Stanley, colonial secretary in Peel's government. Shipwrecked en route to Jamaica, Elgin's pregnant young wife suffered a shock that appears to have permanently damaged her health. In August she was very ill after the birth of her daughter Elizabeth Mary, but recovered, only to die after giving premature birth to another daughter in June of the following year. The child lived only hours. While Elgin had the support of his sister Charlotte, who came to Jamaica to help care for little "Elma", and his brother Robert, who acted as his secretary, his grief weighed heavily upon him, and made it difficult for him to fulfil his social role. In the spring of 1846, while on leave in Britain, a discouraged Elgin asked to be relieved of his post.¹⁸

Stanley had earlier suggested to Elgin that the governor generalship of Canada could be his if he wanted it, but by the time Elgin returned to Britain, Peel's government had fallen, and a Whig ministry was in office. Elgin assumed that this would put an end to any further patronage appointments, but the new colonial secretary, Lord Grey, proved to be supportive, and made a formal offer of the Canadian post.¹⁹ While Grey was personally unacquainted with Elgin at the time of his appointment, they were soon to be related by marriage.

Within a few months of his return to Britain, Elgin met and married Grey's niece, Mary Louisa Lambton, daughter of Lord Durham. Mary had accompanied her father on his famous mission to the Canadas in 1838. Indeed, Elgin vowed to his wife that he would make every effort to govern Canada under the system Durham had recommended, and that once this was implemented, "[Durham's] title to be considered a great benefactor to his country could no longer be disputed".²⁰ The

Lambtons were far wealthier than the Elgins, although the Elgin name was more prominent and had a longer history. Widely read and cultured, Mary was personally acquainted with Queen Victoria; they had been childhood playmates. In addition to these assets, Elgin's new wife proved a source of domestic comfort and a steadying influence in his life.²¹ During the times when Elgin's duties dictated a separation from his wife, he wrote to her constantly, adding new pages each day until the post would leave. He shared the trials of his Canadian experience, and included details that were to be shared with "King Henry", as he secretly called Grey.²² Married only two months when he had to depart for Canada, his wife already pregnant, Elgin wrote to Mary in a melancholy tone of his "heavy heart" while the *Hibernia* carried him further from her and "the Atlantic rolls between us".²³

Elgin, for all his apparent calm pragmatism, was a sentimental man, devoted to his wife and children. In addition to his daughter by his first marriage, Elgin and Mary Louisa had other children. A child was still-born in Canada in August 1847. Their eldest son, Victor Alexander, who would inherit his father's title, was born in May 1849, followed by two more sons and a daughter. Near the end of his Canadian term of office, Elgin had mixed feelings as he returned alone to the governor general's residence at Spencer Wood in Quebec, lamenting the absence of "merry little voices" at home. While he had been eager to rejoin his family in Britain, his emotions upon returning to Spencer Wood surprised him. He landed quietly at the coves so as not to attract attention on a Sunday but was touched by the genuine warmth of the people who put their heads out of their windows to greet him. One old lady whispered "Welcome home again!" and the words seem to have struck a chord with Elgin. He even considered the idea of remaining in Canada:

Might I not, if I had chosen, have gone on living in this lovely spot, in a good climate, with my family around me, with sufficient business to engage and some source of usefulness to cheer me? I feel surprised that this did not strike me more forcibly before— why do such thoughts press themselves so much more strongly now? Is it only because of the beauty of this spot and the associations belonging to it? Not perhaps only—for as you know I always had a strong bias toward remaining in Canada²⁴

For Elgin, the separation from family was clearly the most difficult aspect of the life he had chosen. While en route to a mission to China in 1857, he confided, "I have got dear B[ruce]'s large speaking eyes beside me while I am writing, and mine

(ought I to confess it) are very dim, while all these thought of home crowd upon me.”²⁵ On his birthday he found himself especially sorry to be alone. He thought with longing of “the smiling countenances with which I should have been surrounded at home, and the joyous laugh when papa, with affected surprise, detected the present wrapped up carefully in the paper parcel on the breakfast table.”²⁶ Yet Elgin was convinced that overseas service was the route to the elusive financial security he desired for his family. He grew reflective while the ship carried him to take up the post of governor general of India in 1862:

What a strange career it has been! How grateful I should be to Providence for the protection I have enjoyed! How wild it seems, to be about, at the close of twenty years, to begin again. At any rate, if this does not answer to me personally, I hope that it may enable me to put the children in a better position....²⁷

Sadly, a little over a year later, Elgin learned of the sudden death of his youngest son, Charles who was at school in Britain. Soon afterward, Elgin himself suffered a heart attack while crossing a twig bridge over a gorge of the Chandra River. He lingered for a few weeks, his wife and daughter Louisa by his side, drawing comfort from a portrait of his “angel boy”, but died 20 November 1863 at Dhurmsala, aged fifty-two.²⁸ While the viceregal post was regarded as the plum imperial appointment, it proved fatal to Elgin just as it had to his predecessors, Dalhousie and Canning.

Portraits of Elgin in Canada suggest a man of short stature, short-waisted and thick bodied, with thinning hair swept over a bald crown and greying mutton chop whiskers. His jaw was firm, and his eyes dark, clear, and bright with a kindly intelligent expression. American newspapers described Elgin as “John Bullish in walk, talk, appearance and carriage”.²⁹ Another observer noted that while some men in the service of the British empire have looked their part, others, like Elgin “have been plain men in plain clothes”. A later writer described him as

a middle-aged, middle-sized man, approaching corpulence, with a kindly Scots face expressing bonhomie rather than intelligence. His character did not belie his rosy visage: he loved good cheer and was not averse to a glass of champagne.³⁰

Only thirty-six at the time of his arrival in Canada, and in rude health, Elgin contrasted well with his predecessors in the post. When resident at Monklands, three miles from the parliament buildings in Montreal, Elgin enjoyed making his way to

his office on snowshoes.³¹ To the people of Canada, Elgin would have seemed a refreshing change from the series of delicate specimens who had held the viceregal office in recent years.³²

Even as harsh a critic as Goldwin Smith had to acknowledge that, as governor general, Elgin was “calm and wise”.³³ Lord Tweedsmuir considered Elgin “the ablest ... of nineteenth century viceroys”.³⁴ Elgin’s personality enabled him to maintain an attitude of tolerant impartiality and firm determination, even under very tumultuous circumstances. While his cautious conduct during the Rebellion Losses Bill crisis drew criticism from many quarters, he was rewarded with elevation to the peerage of the United Kingdom. Elgin recognized, however, that there were occasions on which a little posturing was useful. Elgin’s secretary, Laurence Oliphant, who accompanied him to Washington to negotiate the Reciprocity Treaty, remarked with admiration on how readily Elgin put aside his aristocratic reserve, adapted himself to American society, and won popularity with his American hosts. “Lord Elgin’s faculty of brilliant repartee and racy anecdote especially delighted them”.³⁵ As envoy to China in 1857-8, Elgin made up his mind to act the part of the “uncontrollably fierce barbarian”, a strategy which seems to have won the respect of the Chinese plenipotentiaries.³⁶ At times, Elgin experienced difficulties reconciling his duties as a servant of the British empire with his ideal of Christian conduct. Sent to punish the Chinese for the capture of British subjects from the lorcha *Arrow*³⁷ and the desecration of the British flag, Elgin was also charged with enforcing the terms agreed upon at the end of the Opium War of 1842.³⁸ He won praise for his mission, and especially for his decision to send the troops at his disposal to Canning’s aid during the India Mutiny, but Elgin seemed unable to take any pride in his role in subduing the disturbance. He read Russell’s account of the events in India as he made his way to a second mission to China in 1860. “Can I do anything”, he wondered to Mary, “to prevent England from calling down on herself God’s curses for brutalities committed on another feeble oriental race? Or are all my exertions to result only in the extension of the area over which Englishmen are to exhibit how hollow and superficial are both their civilisation and their Christianity?”³⁹

The decisions that he had to make in Canada were less awesome, but Elgin nonetheless experienced considerable strain. Despite the appearance of equanimity,

he was an emotional man. Canadian politician William Howland recalled that when he and some Reform colleagues visited Elgin at the height of the Rebellion Losses Bill crisis to assure him of their support, “he was so much affected by it that he actually shed tears. He was evidently much gratified”.⁴⁰ Elgin was a complex man; normally able to maintain an air of calm conviction, he struggled inwardly.

Even as he attempted to implement Grey’s directives, and interpret for himself and for Canada how responsible government would function, Elgin walked the tightrope of imperial and colonial interests and goals. His campaign to secure British financial compensation for Canada for immigration costs, and his efforts to see the repeal of the Navigation Laws, have been addressed in detail separately.⁴¹ These points are relevant also here to an extent, insofar as they offer an example of how one governor general visualised his role. Elgin’s assertiveness in pursuing justice for Canada is in some respects surprising, given his lack of financial independence. Elgin’s early private letters to Grey betray some concern over personal finances, and it might be expected that he would be eager to curry favour with his chief at Downing Street.⁴² “The first desire of a colonial governor”, Walter Bagehot wrote, “is not to get into a ‘scrape’, not to do anything which may give trouble to his superiors—the Colonial Office—at home, which may cause an untimely and dubious recall, which may hurt his career”.⁴³ The voluminous private correspondence between Grey and Elgin, published in 1937, reveals much more than the rather spare official despatches, and suggests a very frank and candid relationship. Historians who did not enjoy access to this material would not have been in a position to appreciate Elgin’s plainspoken nature. W.P. Morrell acknowledged that there were private letters between governors and colonial secretaries, but maintained that “the great mass of the correspondence was conducted by the numbered series of dispatches”.⁴⁴ With respect to Elgin and Grey this was clearly not the case. Early in his tenure as governor general, Elgin noted to Grey that “should you have left office the Colonial Minister will have little idea of what is going on in Canada unless you let him see my private letters to you”.⁴⁵ These private letters show that Elgin exercised strong advocacy for Canadian interests when he believed they were not being adequately taken into account by imperial authorities.

The exodus from Ireland in the wake of the 1847 famine presented an immediate crisis for Canada and the newly-arrived Elgin. Immigration agents on Canadian shores inspected the conditions on board immigrant ships and warned of imminent disaster, a warning that Elgin conveyed to British authorities: "all the Cork and Liverpool passengers are half dead from starvation", the chief agent at Quebec lamented. "Good God! What evils will befall [sic] the cities wherever they alight".⁴⁶ *The Times* reported on the "Horrors of the Exodus to Canada", concluding that "the Black Hole of Calcutta was a mercy compared to the holds of these vessels". The implication was clear that a lack of regulation in Britain was to blame.⁴⁷ Yet Grey adhered to his laissez faire convictions both in terms of assisting emigration, or regulating it. "[I]t would have been utterly impossible...to interfere directly... without doing far more harm than good", he later reflected.⁴⁸ Elgin, for his part, strongly advocated assistance to Canada on the grounds that the colony was being forced to bear the costs of Britain's crisis. The provincial treasury was depleted and "serious embarrassment" was looming, he warned.⁴⁹ He rejected Grey's arguments that Canada would ultimately benefit by such large-scale immigration, and insisted that the condition of many of the immigrants made it inevitable that they would become a public charge. As the province's financial crisis became acute, Elgin wrote to Grey that "I am much annoyed at being obliged to dun you again about Immigration expenditure... But I cannot help myself—My Ministers have No Money".⁵⁰ He also challenged Grey's argument that Canada enjoyed military protection at British expense. Elgin pointed out that some Canadians maintained that Canada would enjoy the same benefits through annexation to the United States.⁵¹ After many months of pressure, and after Grey had consulted with the British treasury, a grudging concession was made, and Canada was reimbursed for the 1847 immigration expenses.⁵²

Elgin also played Canada's advocate in the debate over the repeal of the Navigation Laws. These laws required Canadian produce to be transported in British or colonial ships and often meant that shipping rates were significantly higher from Canadian than American ports, or even at times that transport was unavailable. Elgin argued that the retention of these laws when all of the protective aspects of mercantilist doctrine had been eliminated was an injustice to the colonies. He wrote

to Grey very frankly about the economic devastation Canada faced in the wake of the abandonment of British preference. Canada's hardships, he insisted, were "directly ... chargeable on Imperial legislation". What was more, "all the prosperity of which Canada is thus robbed is transplanted to the other side of the lines as if to make Canadians feel more bitterly how much kinder England is to the children who desert her than to those who remain faithful".⁵³ In the case of the Navigation Laws, however, Elgin did not need to convince Grey that repeal was necessary. Grey was firmly committed to free trade principles, and urged Elgin to express his views in official form. The discontent in Canada which exploded in the Rebellion Losses Bill riots could carry political weight in Britain, Grey confided as his government struggled to secure the passage of the Navigation Bill.⁵⁴ In this instance, Elgin's usual candour could be used as a political tool.

Both of these episodes leave little doubt that it was not in Elgin's character meekly to follow imperial directives in which he had no faith. It can be extrapolated from this that he had a firm commitment to the principles of responsible government. Fortunately, he and the colonial secretary were of one mind on the question. Grey communicated his philosophy of colonial self-government to Elgin, but colonial government could not be administered by remote control. It was up to the governor on the spot to decide when and how to implement policy.

While at least one contemporary observer labelled the new system "Elginism",⁵⁵ Elgin did not invent the idea of self-government for a colonial possession. The notion had been under discussion for many years.⁵⁶ In 1836 the Canadian reformer Robert Baldwin referred to the principle in a memorandum to Lord Glenelg, pointing out that it had been part of the political creed of reform politicians from as early as 1820.⁵⁷ The best known advocacy of the concept came with the publication of the Durham Report in 1839.⁵⁸ Durham himself insisted that his proposal amounted only to a decision to "follow out consistently the principles of the British Constitution". It needed, he said, "no change in the principles of government, no invention of a new constitutional theory". The Crown, he said, must "submit to the necessary consequences of representative institutions". Durham acknowledged the probable objection that such a system was not applicable to a colonial dependency, but dismissed it with the assurance that the imperial

government could continue to control those aspects of government which were its own concern.⁵⁹ As for legislation on internal matters, the colonists “have a greater interest in coming to a right judgment on these points, and will take greater pains to do so than those whose welfare is very remotely and slightly affected”.⁶⁰ Charles Buller, a radical member of parliament who had accompanied Durham on his mission to Canada, published a pamphlet in 1840 that explained the necessity for responsible government in the colonies that enjoyed representative institutions. Buller complained that the political philosophy of some “official wiseacres” was that no colony should have self-government “until it becomes strong and discontented enough to achieve its entire independence”. Buller pointed to the smooth working of the British system since 1688 as a successful model for any constitution with representative government. To have representation but not executive responsibility was an even greater evil than no representation at all: “It is better to be without a fire, than to have a fire without a chimney”, Buller warned.⁶¹ Edward Gibbon Wakefield, the colonial reformer, who was also among the party that came to Canada in 1838, echoed Durham’s protestation that responsible government was, “after all, nothing new”. It was a “mere extension to our Colonies of an old rule or two of Government long reduced to every-day practice by ourselves at home”.⁶²

Elgin referred to responsible government as “y[our] father’s system” when writing to his wife soon after his arrival in Canada.⁶³ “I told you in those early days”, he reassured her on another occasion,

that I thought it ought to be possible (not easy)[?] to govern Canada under the system introduced by y[ou]r father, and that if it was found to be possible to carry on the Gov’t under that system his title to be considered a great benefactor to his country could no longer be disputed. I am fortified in this conviction by all that I have learnt since I came here.

Elgin admitted that he did not know whether “Mary Lambton’s husband” would be the instrument to carry out this work, or whether he would “break down in the attempt”, as others had, but he remained optimistic that “the thing may be done”. It might fall to another “to effect that object which my affection for you as well as my regard for my own fame would render me so desirous to achieve”.⁶⁴

To appreciate Elgin’s success, it is necessary to review the issue of responsible government in Canada since 1840. Two points become clear. The

definition of responsible government was frustratingly opaque, and, secondly, much depended upon how the individual governors general operated. Elgin was right that there had been a long line of others who had “broken down in the attempt”, either to implement some form of responsible government or hold the line against it during the ten year interval between Durham’s Report and Elgin’s recognition of the principle. None openly avowed support for the idea, and their alternate actions and reactions contributed to the condition of political uncertainty that prevailed in British North America. The instructions sent by Lord John Russell to Durham’s successor, Poulett Thomson, (later Lord Sydenham) were ambiguous and contradictory, susceptible to a range of interpretations.⁶⁵ Russell warned Thomson that “you may encounter much difficulty in subduing the excitement which prevails on the question of what is called ‘Responsible Government’”, but instructed him to refuse any explanations that could be construed as acquiescing in the principle. The term’s very vagueness, he feared, could pose a danger. Russell rejoiced that the English constitution had evolved into one in which the authority of the Crown remained untouched but was never invoked without advice. “But if we seek to apply such a practice to a colony,” he cautioned, “we shall at once find ourselves at fault.... It may happen... that the Governor receives at one and the same time instructions from the Queen, and advice from his executive council, totally at variance with each other”. Russell allowed that “I have not drawn any specific line beyond which the power of the Governor on the one hand, and the privileges of the Assembly on the other, ought not to extend”. He preferred to rely upon the “wise moderation” of each.⁶⁶ Nevertheless, Russell subsequently instructed that public offices in Canada should no longer be held indefinitely, but instead “such officers [should] be called upon to retire from the public service as often as any sufficient motives of public policy may suggest the expediency of that measure”.⁶⁷ This in itself seemed an important concession to principles of responsible government.

Thomson was not disconcerted by the ambiguity. A short while into his tenure he boasted to a friend that “I am not a bit afraid of the responsible government cry”. He claimed that he had “already done much to put it down in its inadmissible sense; namely, the demand that the council shall be responsible to the assembly”, and that the governor should be bound by their advice. Most people admitted “the

absurdity of claiming to put the council over the head of the governor.... Either the governor is the sovereign or the minister".⁶⁸ As Sydenham's term of office was cut short by his death in September 1841, the extent to which he would have carried responsible government into effect is open to speculation. His actions often belied his words.⁶⁹ One of Sydenham's successors, Sir Charles Metcalfe, believed that, despite the objections he voiced to the principle of responsible government, Sydenham in fact strengthened it. His practices had "ensured, with the certainty of cause and effect, that the Council of the Governor should regard themselves as responsible, not so much to the Governor as to the house of Assembly". Sydenham adopted "the very form and practice of the Home Government". If this was not his intention "he was more mistaken than from his known ability one would suppose to be possible; and if he did intend it, he, with his eyes open, carried into practice that very theory of Responsible Colonial Government which he had pronounced his opinion decidedly against."⁷⁰

This uncertain legacy made the appointment of Sydenham's successor a very sensitive matter. A Conservative ministry took office in 1841, with Lord Stanley serving as colonial secretary. The change in administration did not herald a significant change in policy toward Canada, however.⁷¹ Sir Charles Bagot, the new governor, was still meant to resist any concessions to the principle of responsible government, and Bagot's instructions from Lord Stanley were strikingly similar to those Sydenham had received. Stanley advised Bagot to steer the populace away "from the discussion of abstract & theoretical questions, by which the Government of Canada, in former times, has been too often and too seriously embarrassed". He was to avail himself of the services of the "ablest Men, without reference to distinction of local party". Yet Stanley's apparent rejection of the doctrines of responsible government, which was implicit in his dismissal of party politics, was tempered by the warning that "it would be matter of great regret, that measures should be repeatedly & deliberately affirmed by large Majorities of the Assembly, & subsequently rejected by the Legislative Council."⁷²

Events would not permit Bagot to avoid the issue of responsible government altogether. A ministerial crisis in September 1842 compelled Bagot to invite Reformers Louis-Hippolyte LaFontaine and Robert Baldwin to his Executive

Council, along with several of their colleagues. The cabinet still contained some Tory members, and Bagot made the appointments before the previous ministry had fallen to a threatened no-confidence vote, but the episode dealt an important blow to the ideal of personal rule by a governor with a hand-picked council. Bagot felt obliged to explain the pressures behind his concession. He hoped Stanley and his cabinet colleagues would approve of his actions, since his only alternative would have been to appoint a new council "prepared to act without the sympathy and against an overwhelming majority of the House of Assembly.... The consequences would have been most disastrous."⁷³ Bagot realised the implications of what he had done. "Whether the doctrine of responsible government is openly acknowledged, or is only tacitly acquiesced in," he informed Stanley, "virtually it exists".⁷⁴

Like Sydenham, Bagot died before the full implications of what he had done could be put to the test. His successor, Sir Charles Theophilus Metcalfe, a veteran administrator with experience in Jamaica and India, came to Canada in March 1843. Unlike Bagot, who proved to be more liberal than his reputation promised, Metcalfe's earlier reformist tendencies⁷⁵ gave no hint of the reactionary flavour that would mark his tenure in Canada. His clear-eyed analysis of the real implications of Sydenham's concessions to responsible government suggests that he was less comfortable than some of his predecessors with apparent contradictions. While finding much to admire in the man's character, generosity, and courage, W.P.M. Kennedy concluded that "it is impossible to read Sir Charles Metcalfe's life or to study his dispatches without regretting that he came to Canada".⁷⁶ Upon accepting the appointment, Metcalfe himself admitted that the Canadian conundrum was beyond his power: "I never undertook anything with so much reluctance, or so little hope of doing good".⁷⁷

Soon after his arrival, Metcalfe complained to Stanley that the precedents established by his predecessors meant that the council was no longer selected by the governor. He denounced the "evil" of party government which earlier concessions had encouraged, and asserted that, while he would not shrink from a contest with the Assembly if duty demanded it, he wished to avoid the "continual warfare" which he realised would result if he dismissed his Reformist council. Metcalfe explained his fear that some acts of the legislative assembly might be hostile to the interests of the

mother country. "This ought to have been well considered before ... Responsible Government was established. It is now, perhaps, too late to remedy the evil".⁷⁸

A dispute with his advisers over control of the distribution of patronage brought the inherent clash of ideals between governor and assembly to the fore. In November 1843 Metcalfe's entire Executive Council, save one, resigned in protest when the governor general took it upon himself to make an appointment without cabinet approval. This act, along with his reservation of a controversial bill aimed at curbing the activities of secret societies such as the Orange Order, demonstrated that responsible government did not in fact exist in Canada. Metcalfe's actions, supported by "loyal" Tories in Canada, also found favour with many influential sympathisers in Britain. Edward Gibbon Wakefield voiced his approval,⁷⁹ as did opposition leader Lord John Russell. Even more meaningfully, Metcalfe was rewarded with a peerage.⁸⁰ In contrast to Sydenham who railed against responsible government even while tacitly conceding it, Metcalfe insisted to Stanley that "I have avowed my adherence to Responsible Government views to the fullest extent which it can be avowed in a Colony". Only "Blindness or Disaffection" would account for a desire to push the principle any further.⁸¹ By equating reform with disloyalty and appealing to imperial patriotism, Metcalfe succeeded in securing a narrow conservative majority in the elections of 1844. A clear-cut conflict between the legislative assembly and the governor was thus averted. Illness cut Metcalfe's term of office short and he returned home in November 1845 to live out the final few months of his life. Unwittingly, Metcalfe might have advanced the process of colonial self-government, not least because of the heavy reliance his illness forced upon William Draper, who led his conservative executive council.⁸² Grey reflected later that "the Governor, by his rupture with one party, was placed to a far greater degree than was desirable in the power of the other, by which he was supported, and lost the means of exercising his proper authority".⁸³

Metcalfe was succeeded by Earl Cathcart, who was already in Canada as commander of the forces. While it was usual for the military commander to assume the governor's role during an interregnum, Cathcart was commissioned himself as governor general in April 1846. A looming crisis over the Oregon boundary raised the spectre of a military contest with the Americans, and Cathcart's qualifications as

a soldier now seemed more relevant than finesse in placating Canadian political dissidents. By July 1846, a treaty having averted war, and another change in administration having taken place in Britain, this policy was reconsidered. Now, under the administration of Lord John Russell, the new colonial secretary Earl Grey decided it was "inexpedient that the same person should be both Governor General, and Commander of the Forces, in British North America".⁸⁴

The combination of Elgin in Canada and Grey in the Colonial Office is now generally seen as the true driving force behind the shift in colonial policy. The degree of influence each exercised over the development of colonial policy has been questioned, however. Phillip Buckner has correctly pointed to a dramatic shift in Grey's historical reputation.⁸⁵ As late as 1928, Grey's political career could be dismissed as "a distinguished and most creditable failure".⁸⁶ The publication of the Elgin-Grey correspondence in 1937, which lays bare the progress of Elgin's implementation of the policy of responsible government, has no doubt contributed to the belated recognition Grey has earned. J.L. Morison had earlier called the Elgin-Grey correspondence "the most enlightening series of documents in existence on mid-Victorian Colonial policy".⁸⁷ This is not to say that Grey always had a clear goal or unerring vision of imperial policy. He was known to have doubts even as he gave encouragement to his colonial governors to pursue the new policy. Peter Burroughs has cautioned against oversimplifying and homogenising Grey's views and added that the idiosyncratic Grey "was not necessarily a typical or representative spokesman of contemporary public opinion on imperial affairs".⁸⁸ Of course, as secretary of state for the colonies, and one who took the leading role in determining policy, it does not really matter if Grey's ideas were reflective of popular views. Grey left to posterity a memoir of his political career, which he modestly called *The Colonial Policy of Lord John Russell's Administration*. Yet the degree to which Lord John Russell shared Grey's vision for empire is open to question. Morison maintained that Russell's chief virtue lay in "doing nothing to hinder a movement which he only partially understood".⁸⁹ W.P. Morrell likewise questioned the degree to which Russell played a role in implementing the new colonial policy. Morrell cited Palmerston's condemnation of Russell as "infirm of purpose, changeable in his views" and suggested that Grey's experience bore this out.⁹⁰ Helen Taft Manning

has viewed Russell more generously, asserting that “no English statesman and few Canadians made as great a contribution ... to the application of English constitutional principles and practices to the government of British North America”. He had, she argued, “every intention of moving toward cabinet government on the English model whenever the governor general thought it wise”. The evidence cited for this is an early draft of Grey’s political memoir in which he recalled that Russell contemplated introducing such a system into Canada during Sydenham’s administration but refrained because of the fear of creating fresh animosity so soon after the insurrection.⁹¹

Phillip Buckner has taken issue with the prominence twentieth-century historians have given to Grey’s role in re-thinking colonial policy. He rejected the idea that Grey’s arrival at the Colonial Office heralded a watershed in Britain’s approach to the colonies. Buckner argued that there was more similarity between Stanley’s approach, and that of Grey, than is usually acknowledged. The evidence for this assertion remains unconvincing, however. “Both”, Buckner noted, “were scions of wealthy aristocratic families”⁹²—as indeed were most nineteenth-century cabinet ministers. More significantly, Buckner pointed to the fact that Stanley did not repudiate Bagot’s concession to responsible government,⁹³ overlooking the fact that the Colonial Office would be unwilling to spark a fresh crisis in Canada in 1842, and that Stanley also gave his approval to Metcalfe’s resistance to responsible government two years later. Buckner also cited as evidence the fact that Wakefield and Buller, “with whom Grey was closely associated during the early 1840s”, had publicly defended Metcalfe.⁹⁴ Yet this provides no indication of Grey’s own views. In 1848 Grey told Elgin very plainly that “you are right in your belief that by acting on the very different policy of L[or]d Metcalfe (wh[ich] you know I never approved) you w[oul]d have got into inextricable difficulties”.⁹⁵ In later years Grey again concurred with Elgin’s view that Metcalfe had been wrong in attempting to manipulate Canadian politics. “What you say of L[or]d Metcalfe coincides singularly with the opinion I have always entertained of him & his measures”, Grey wrote. “The truth is he did not comprehend representative Gov[ernmen]t at all, nor from his Indian experience is this wonderful”.⁹⁶ Buckner appears to have attached great importance to the timing of Grey’s decision to embrace responsible

government, suggesting that when Grey assumed office in July 1846 “there is no indication that he was prepared to commit himself in advance” to responsible government.⁹⁷ Yet only a few weeks after his arrival in Canada, Elgin announced to Grey that, while he would give his ministers “every constitutional support”, he was “equally determined... to act with the opposite Party if it is forced upon me by the Representatives of the People”.⁹⁸ Grey replied that “the course you are taking appears to me quite right”.⁹⁹ Buckner also based his conviction about Stanley and Grey’s philosophical similarities on the commitment each had to preserving a stable constitution in an age of reform, a constitution in which the monarchy, aristocracy, and popular will would be held in balance.¹⁰⁰ Yet Grey’s adherence to the ideals of aristocracy and monarchy do not contradict his views about responsible government. An executive council answerable to an elected assembly does not imply wholesale democracy.¹⁰¹

Grey began his career in the Colonial Office as parliamentary undersecretary in 1830. Lord Goderich, the colonial secretary, reputedly exerted such loose control over his portfolio that Howick—as Grey was then known—was able to, in his own words, exercise “all the power and authority of a Secretary of State”.¹⁰² Howick’s intensive study of colonial questions ensured that, as Bell and Morrell noted, he “soon knew far more and had formed much more definite opinions than his superiors at the Colonial Office, that embarrassed nonentity Goderich, or ... the brilliant and dictatorial Stanley”. He had, they added, “too many principles, too quick a mind, and too sharp a tongue to make an agreeable colleague in a government of impressive, well-intentioned but inwardly rather bewildered amateurs”.¹⁰³ The reform-minded Howick counted Wakefield and James Stephen, the permanent undersecretary, as his early influences, although his disapproval of Wakefield’s personal misdeeds meant that he refused to maintain a friendship.¹⁰⁴ Stephen continued to be an influence throughout Grey’s career, and was frequently consulted on colonial questions.¹⁰⁵ As secretary of state, Grey displayed a keen devotion to his duties, carrying on a voluminous private correspondence with colonial governors in addition to the official despatches.¹⁰⁶ Sir William Molesworth speculated that Grey’s lack of popularity was attributable to his earlier associations with colonial reformers who entertained great expectations of his policy once he was installed in the Colonial

Office; “those exaggerated expectations have been disappointed”, he explained.¹⁰⁷ Another observer, while dismissing Grey as “singularly unhappy in his management of colonies”, allows—mistakenly it would seem—that he “deserves the entire credit of the appointment of Lord Elgin as governor of Canada”.¹⁰⁸

The lodestar of Grey’s policies was free trade, and this was a key to his convictions about the inevitability of colonial self-government. Grey was stout in his opposition to any form of protectionism, which he regarded as robbery of the community at large. He has been cited as an important influence in converting Lord John Russell to free trade principles.¹⁰⁹ Ged Martin contended that the real divide in British policy came, not with the Durham Report, but with the introduction of free trade in 1846.¹¹⁰ Helen Taft Manning remarked on Lord John Russell’s 1848 proclamation in the House of Commons on the success of responsible government and observed that “the coincidence of dates was a fortunate one. With the coming of free trade and the opening of the Far East and China to British merchants, there was no longer much interest in financial circles in England in the development of British North America, and the mother country could offer nothing in compensation for the loss of imperial preference in timber and wheat.”¹¹¹ The word coincidence is misleading, however. The willingness to grant colonial self-government was clearly linked with the dismantling of the mercantilist system that provided the original justification for imperial control.

Since the governor was on the spot, and the secretary of state for the colonies was not, it is tempting to attach more importance to the actions and ideas of the former. Sydenham and Bagot, after all, acted in ways that advanced the principle of responsible government, whether or not they had the concurrence of their chiefs at Downing Street.¹¹² “Colonial governors”, Helen Taft Manning wrote, “applied their own theories of government, sometimes rather eccentric ones, and they were too far away and too much the source of all the official information reaching England to make any effective supervision of their actions or policies possible”.¹¹³ In the main this is true, yet a qualification must be made with respect to Elgin’s term of office. Elgin had clearly been given an overall directive, and could count on active support and encouragement, as opposed to the passive acquiescence that characterised the policy of Grey’s predecessors in the Colonial Office. Grey recalled later that “I had

the opportunity of communicating with him very fully previously to his departure" about the goal of implementing "the system of constitutional government which it seemed to be the desire of the inhabitants of British North America to have established among them". The "best explanation" of these views, Grey added, could be found in his instructions to the lieutenant governor of Nova Scotia, Sir John Harvey, a copy of which Elgin was given.¹¹⁴

In November 1846, before Elgin arrived in Canada, Grey issued the despatch that has come to be seen as one of the key documents in the constitutional history of British North America. In it Grey suggested that Harvey conform his practices to analogies in the mother country. He should carry on the government through his executive council as long as they possessed the confidence of the legislative assembly. Any transfer of power from one political party to another should be the result "not of an act of yours, but of the wishes of the people themselves, as shown by the difficulty experienced by the retiring party in carrying on the government of the Province according to the forms of the Constitution". It was essential, Grey stressed, that the governor not identify himself with any one party. This did not eliminate the reserve powers of the governor to refuse to sanction measures "which may appear to you to involve an improper exercise of the authority of the Crown for party rather than for public objects". Nevertheless, this power "depends entirely for its efficacy upon its being used sparingly and with the greatest possible discretion". The governor's refusal to accept the advice of his council would necessitate their resignations. Therefore, such action must be avoided on "any matter not of very grave concern, or upon which you cannot reasonably calculate upon being in the end supported by...[public] opinion". Grey encapsulated his views in the much-quoted admonition that "it cannot be too distinctly acknowledged that it is neither possible nor desirable to carry on the government of any of the British Provinces in North America in opposition to the opinion of the inhabitants".¹¹⁵

Sir John Harvey did not reveal Grey's instructions to the people of Nova Scotia at once, however. Instead, he continued to work toward a coalition of the leading parties, a solution which Joseph Howe, leader of the Liberals of Nova Scotia, and a staunch advocate of responsible government, refused to accept. Joseph Howe had meanwhile been in frequent correspondence with Charles Buller, who applauded

his resistance to a coalition and assured him that the new administration in Britain was firmly committed to responsible government. Charles Buller also proved to be a conduit of information for Grey, providing him with a perspective absent from Harvey's despatches.¹¹⁶ When, at length Harvey informed Grey about the impossibility of forming a coalition in the face of Liberal intransigence, Grey was far from surprised.¹¹⁷ He responded with another despatch on 31 March 1847, which, like his communication of 3 November 1846, emerged as a definitive statement of a new colonial policy. Whereas Harvey had seized upon Grey's earlier warnings against partisanship on the part of the governor to support his idea of a coalition, this despatch put to rest any ambiguity and reiterated Grey's conviction that mainland colonial governments in British North America should be modelled on the British constitution.¹¹⁸ In an earlier draft of the despatch, which he showed to Buller,¹¹⁹ Grey reflected that "as every free government necessarily is a party government, I think it is better that Nova Scotia should submit to the evils of party government rather than be without the privileges of freedom".¹²⁰ The defeat of Nova Scotia's Conservatives in 1847 was not formalised until the next legislative session in January 1848. At this time, Harvey revealed the existence of Grey's two despatches and accepted the resignations of his defeated council. Howe remarked to Buller that the lieutenant governor had in the meantime been conducting matters "in direct opposition to... [the] general tone and spirit" of Grey's despatches. Had the Conservatives triumphed in the election "we should never have seen the despatches at all", he marvelled. Howe vowed that Grey would not be disappointed in the "generous confidence" he had placed in the people of the province. "It will be our pride", he added, "to make Nova Scotia a 'Normal School' for the rest of the colonies showing them how representative institutions may be worked... in subordination to the paramount interests and authority of the Empire".¹²¹ Joseph Howe does indeed deserve full credit for his role in the introduction of responsible government in Nova Scotia. He was, W.P. Morrell explained "the living embodiment of the truth that it was not anti-British feeling, but love of British freedom, that gave the impetus to the demand for colonial self-government".¹²²

David Farr has remarked that, while responsible government was applied a few months earlier in Nova Scotia, the Canadian experience made it decisive.¹²³

Certainly one key difference is that Nova Scotia's lieutenant governor only embraced responsible government when it became apparent that all other avenues had been exhausted. Elgin, by contrast, came to Canada in January 1847 with the idea firmly fixed in his mind. The change in policy was not immediately apparent, since William Draper's Conservative ministry continued to hold a majority in the legislative assembly and Elgin was determined to do nothing to hurry them from office.¹²⁴ He wanted, he explained, "to avoid if possible giving the impression that I am ready to jump down every body's throat the moment I touch the soil of Canada".¹²⁵ The introduction of responsible government in Canada, Chester Martin has argued "was epochal for the whole Empire". The population of the united colony was much larger than any other in British North America. What is more, the problems of Canada—most notably the presence of two distinct and almost evenly-matched national groups—made it especially challenging to govern.¹²⁶ Joseph Howe liked to boast that responsible government had been achieved in Nova Scotia without blood being shed, a blow being struck, or a pane of glass shattered, but the violent agitation for reform in Canada no doubt helped shape the colonial policy that was applied in Nova Scotia.¹²⁷

The particular choice of Elgin as governor general might easily be seen as part of an overall scheme to implement responsible government in Canada. Yet this seems not to have been the case. Elgin's family was well-connected in court circles and Queen Victoria had reportedly suggested Elgin's name to Stanley before the fall of the Tory government. The new Whig ministry set party considerations aside and adhered to this plan.¹²⁸ While Grey was not the first one to propose Elgin's name, he was clearly optimistic that he would be the one to carry out his colonial policies successfully. He insisted to Elgin that his talents were needed and that there was no one whom he could recommend with as much confidence. He also hinted at the prospect of elevation to the House of Lords, noting that both of the last two governors of Canada had been made peers.¹²⁹

Moderate political reformers in Canada believed Elgin's appointment was grounds for optimism as well. "[C]hacon l'attend comme devant apporter avec lui la panacée politique universelle", Denis-Benjamin Papineau, brother of the radical *Patriote* Louis-Joseph, wrote with a hint of sarcasm.¹³⁰ Of course, to radicals such as

Papineau, no concession, no well-meaning attempt to include French Canadians in a united legislature, would be sufficient. The fact of the union itself was an insurmountable obstacle. Elgin insisted that the success of Canadian politics depended upon the inclusion of French Canadians in a united government, and one of his earliest acts was to try to bring this about.¹³¹ Unlike some of his predecessor—and his famous father-in-law—he recognized the folly of forcing assimilation. “Attempts to denationalize the French ... produce the opposite effect from that intended, causing the flame of national prejudice and animosity to burn more fiercely”, he maintained.¹³² In February 1847 he delivered a confidential memorandum to Augustin Morin, a French Canadian reform politician, with the suggestion that he consult his friends about it. The memorandum explained that Elgin was “sincerely desirous” that the interests and feelings of “that important Section of the inhabitants, which is of French Origin, should meet with the fullest attention & consideration”. He expressed his wish to “have the means of including in his Executive Council, Some of those Gentlemen, who enjoy in a high degree their Esteem & confidence”. He stressed that he had too great a respect for them to suggest that they make any sacrifice of principles, but hoped that “personal or party differences (if Such Exist) will yield to the dictates of Patriotism & Public Duty”.¹³³ Elgin’s efforts were directed to bringing French Canadians into his council as individuals, rather than through party representation. Indeed, Elgin labelled the alliance between Baldwin and LaFontaine “unnatural”, despite their shared ideological convictions.¹³⁴ Jacques Monet has speculated that “too new in Canada to know better,...[Elgin] may have made the same mistake as Durham who had seen ‘two nations warring in the bosom of a single state’” rather than a contest for political reform. Elgin believed that it would be divisive to treat the French Canadians as a separate element in Canadian society, requiring distinct political representation.¹³⁵ He confided to Grey that “I believe that the problem of how to govern United Canada would be solved if the French w[oul]d split into a Liberal & Conservative Party and join the Upper Canadian Parties bearing corresponding names”. “The great difficulty hitherto”, he continued, “has been that a Conservative Gov[ernmen]t has meant Gov[ernmen]t of Upper Canadians which is intolerable to the French—and a Radical Gov[ernmen]t a Gov[ernmen]t of French w[hich] is no

less hateful to the British". He marvelled that the so-called Radical party was that group most opposed to progress, but expressed his belief that if this split of the French nationality along political lines occurred, "the national element w[ould] be merged in the political".¹³⁶ As it was, Elgin explained, the coherence of the French Canadians "enables them to organize a powerful opposition to any Ministry from which they are excluded, but it no less certainly provokes among the British both of Lower and Upper Canada a feeling of antagonism to one of which they form a part". While his attempts to negotiate the entry of French Canadians into Draper's ministry failed, Elgin at least took comfort in the conviction that he had convinced the French that he did not distrust them.¹³⁷ Elgin's conviction about the paramount importance of nationality in the *canadiens'* political consciousness was fortified by his further observations. "They adopt at second hand the political dogmas of the English liberals and assert them, whenever it is convenient to do so, with becoming force", he told Grey.

But they are unwilling to admit—I might almost say they seem incapable of comprehending—that the principles of constitutional Gov[ernment] must be applied against them as well as for them—and whenever there appears to be a chance of things taking this turn, they revive the ancient cry of nationality, and insist on their right to have a share in the administration, not because the Party with which they have chosen to connect themselves is in the ascendant, but because they represent a people of distinct origin.¹³⁸

Elgin grasped a simple truth about Canadian politics: mere political representation according to their numbers would not be enough to satisfy the aspirations of French Canada. Elgin took care to eliminate some of the aspects of union that were most objectionable to the *canadiens*, most notably the restrictions on French in the legislative assembly. He also recognised that attempts to de-nationalise the French were doomed to failure.¹³⁹ In this respect, he was more far-seeing than his famous father-in-law. Responsible government would be an important step toward accommodating the needs of French Canada, but once it was achieved, subsequent events revealed that it was not indeed a panacea.

Elgin left little doubt that he meant to introduce reform. In his reply to a welcoming address in Montreal, he announced that he would adopt "frankly and unequivocally Lord Durham's view of government".¹⁴⁰ Elgin gleefully reported to his wife that "for once there seems to be unanimity in this distant part of the world,

and the subject on which they are good enough to concur is approbation of the Governor's first announcement of his principles".¹⁴¹

In December 1847, Elgin dissolved the legislature on the advice of his ministers. The moderate conservatism of the administration had earlier given way to a more ardent Toryism when Draper resigned to take up a judicial post in May 1847 and Henry Sherwood had become the attorney general of Canada West and ostensible party leader.¹⁴² Elgin confessed to Grey that he was uncertain as to the probable results of the election, but ventured that the present administration would have more credibility than before if re-elected, since "so much discredit" had been thrown on it "on the ground of alleged interference on the part of the Gov[ernor]r Gen[eral] at the last General Election".¹⁴³ Elgin was determined not to make that mistake, and it was widely reported that the governor would take no part in attempting to influence the contest.¹⁴⁴ The moderate Canadian reformer Francis Hincks recalled that from the time of his arrival, Elgin made it understood that he would not become embroiled in partisan controversies. Government House became "neutral ground, where no party distinctions were recognized".¹⁴⁵ The re-appearance of "the notorious L.J. Papineau" threw French Canadian moderate reformers into a quandary, Elgin observed. They did not wish to contradict the fiery words of "this redoubtable chief who has still a hold on Canadian sympathies", yet the disavowal of responsible government contained in his provocative manifesto was awkward, given that for the first time they were poised to assume positions of real power as a result of the principle.¹⁴⁶

The elections of the winter of 1847-48 overturned the Tory ascendancy in the assembly. When that body met again in late February 1848 Morin was elected Speaker by a vote of 54 to 19. A want of confidence motion by Baldwin on 3 March passed by 54 votes to 20, signalling the final defeat of the ministry that Metcalfe's machinations had installed. Now, the first avowedly responsible government in Canada could be installed.¹⁴⁷ On 7 March Elgin duly sent for LaFontaine and Baldwin. In a "candid and friendly tone" he told them if they were moderate and firm they had a fair prospect of forming an administration and could "count on all proper support and assistance". Elgin optimistically ventured that his new ministry would be eager to prove "by proper deference for the authority of the Gov[ernor]

Gen[era]l” that they had been libelled when they were accused of anti-monarchical tendencies. Already, he observed, Papineau had “been forced to swallow in silence” an address in reply to the throne speech “in which one of Canada’s choicest blessings is ascribed to her connexion with a State which is both *just* & powerful”. Elgin further hoped that the lesson would not be lost on republicans south of the border who were “crowing loudly over the alleged anti British tendencies of our new House of Commons”.¹⁴⁸ Grey was undoubtedly reassured. He had impressed upon Elgin that the experiment “will probably determine not only whether its connection with this Country is to last, but also whether it is to have the advantage of a mixed & well regulated Gov[ernme]nt or is to be given up to Extreme democracy”. “These are indeed marvellous & fearful times”, he worried, looking to the wave of revolution throughout Europe, “& it is impossible to look forward to what may be the events of the next few months without the greatest apprehension”. He looked to the “Monstrous absurdities” in France, and “the changes by wh[ic]h it has been followed almost all over Europe”, but trusted that enough good sense would prevail among the majority in Canada to enable Elgin to succeed in his “great experiment”.¹⁴⁹

Elgin’s new administration advised immediate prorogation. Under prevailing constitutional rules, the ministers were required to seek re-election before taking office. Before prorogation, however, the new government had to ask for a routine vote of the usual supplies, and Papineau chose this opportunity to rail against the new oligarchy. There was no *canadien*, he averred, who did not remember the eighteen thirties—“le temps du refus des subsides”. The new ministry was demonstrating that they were no better than the old regime. It was unnecessary, he insisted, to allow the new administration time to prepare a legislative programme: the repeal of the union was all that was needed.¹⁵⁰ Papineau followed up his poorly-supported legislative attack with a further series of manifestos, denouncing the LaFontaine government and demanding repeal. A series of protest meetings, which also attracted disaffected Irish, gave cause for alarm among Canadian military authorities.¹⁵¹ Elgin, who had previously included Papineau among his dinner guests and described him to his wife as “a very well-bred, intelligent man”¹⁵² now poured out his frustration at the antics of “Guy Fawkes Papineau” in a letter to Grey. Papineau was “actuated by the most malignant passions, irritated vanity,—disappointed ambition, and national hatred

which unmerited favor has only served to exasperate", Elgin fumed, but his support was eroding.¹⁵³ Jacques Monet has explained that Lord and Lady Elgin themselves played a part in Papineau's final fall from favour by providing the *canadiens* "with an alternative focus of loyalty". Elgin delighted the populace with an informal levée at Chambly on Saint-Jean-Baptiste day, and delivered a speech at Saint-Hyacinthe "avec une facilité, une aisance, qui indique qu'il est loin d'être étranger à la langue".¹⁵⁴ To Grey, Elgin reverted to a favourite theme: French Canadian national sentiment "may yet perhaps if properly improved furnish the best remaining security against annexation to the States".¹⁵⁵ Elgin's growing popularity with French Canada, however, came at the expense of the support of the one element in Canadian society whose loyalty had previously been assured.

Leading conservative anglophone merchants of Canada West and Canada East—the groups known as the Family Compact and Chateau Clique,¹⁵⁶ respectively—had long enjoyed privileged access to official positions and gubernatorial favour. Protective imperial trade legislation and public works projects to bolster export trade had seemed designed to ensure their continued economic ascendancy. By the late 1840s, however, a clear shift in colonial policy—the advent of free trade, and an unequivocal commitment to colonial self-government—showed unmistakable signs that the dominance of this oligarchy was under siege.

The crisis came with the introduction of the controversial Rebellion Losses Bill. LaFontaine, proposing the first reading on 13 February 1849, explained that the bill followed from recommendations made in 1846 by a commission set up to compensate Lower Canadians whose property had been destroyed during the 1837-8 Rebellions by persons acting in support of the civil authority. He noted that similar legislation had been passed earlier to compensate those in Upper Canada. The measure was important for more than financial reasons. It provided a crucial test for responsible government and put the Baldwin-LaFontaine alliance on trial. If reformers of Canada West refused to countenance the bill, which sought to benefit predominantly French Canada East alone, Papineau and his *Rouge* followers would be vindicated, proving that co-operation within a united Canada was untenable. If Elgin objected to the bill and refused to give it royal assent, the claim that Canada enjoyed responsible government would be exposed as hollow.¹⁵⁷

One of the chief reasons for objection to the bill was the well-grounded suspicion that among those who would be compensated were the rebels themselves. The commission originally appointed had answered inquiries about this by ruling that only those whose guilt had actually been proved by a court conviction should be excluded from compensation.¹⁵⁸ Therefore those who had been pardoned by Lord Durham's amnesty and those who had never been captured were all eligible. Wolfred Nelson, known to have played a prominent part in the rebellions, did not shrink from claiming compensation in excess of £ 12,000.¹⁵⁹ Called upon by the opposition to deny that it was the intention of the government to compensate rebels, both Baldwin and LaFontaine kept silence. Reformers offered a variety of explanations as to why no effort should be made to exclude possible rebels. Francis Hincks asserted that it would be impossible to determine who was and who was not a rebel. Baldwin maintained that it would be disrespectful to Her Majesty, and "an outrage on the man seeking compensation, to enquire what part he took at the time of the troubles". Others, more boldly, reasoned that it would be unjust to withhold compensation from those who had been rebels, since the injustice and oppression of the British and provincial government had occasioned the rebellion. Tories beseeched Elgin to "think for yourself" and to "allow no man to *think for you*".¹⁶⁰ But the opposition had failed to grasp the enormity of the change that had taken place. Elgin's personal feelings about the Rebellion Losses Bill—a bill he privately described as a "questionable measure"¹⁶¹ – were no longer the point. As a domestic matter, not touching upon imperial concerns, the correct course under responsible government was clear. In the final division, the bill passed by forty-seven votes to eighteen, with a majority in both sections of the legislature;¹⁶² Elgin was bound to give his assent.

The governor general expressed his hope to Grey that "no enduring mischief will ensue" from the Rebellion Losses controversy. Elgin acknowledged that, while the bill was not free from objection, his ministry could hardly have done other than to implement it. He admitted that much of the discussion was of a "not very temperate" character and that he himself was subject to "not very courteous language".¹⁶³ Cries of annexation were raised, a solution that Elgin wryly reported was "invoked as the remedy for all ills imaginary or real". The Tory party "by

menace, intimidation, and appeals to passion” were attempting to “drive me to a coup d’etat”, he complained. He reminded the colonial secretary of how such tactics had been successful under Metcalfe’s tenure, with Metcalfe thus becoming “the head of a Party”. Metcalfe “made it impossible for himself to act with the leaders of the Party which he ousted” and succeeded in installing a majority “so wavering that no consistent system of Policy could be reared upon it”. The opposition were now calling for a dissolution, Elgin reported. He resolved not to gratify their wish: the parliament was elected only a year before, and the measure had passed by more than two to one. Elgin likewise rejected the option of reserving the bill. He refused to “throw upon Her Majesty’s Gov[ernmen]t or (as it would appear to the popular eye here) on Her Majesty herself, a responsibility which rests, and ought I think to rest, on my own shoulders”.¹⁶⁴ Elgin noted a short time later that the “ultras”—extreme Tories—expected him not to reserve the bill, but to veto it. He also drew Grey’s attention to the “curious fact” that almost all of the petitions against the bill were sent to him, and not to the assembly or executive council.¹⁶⁵ It was becoming evident that the governor general would personally bear the brunt of conservative disappointment with the new system of responsible rule.

Elgin continued to “get through this disagreeable affair... by maintaining steadily my constitutional position, listening civilly to all representations addressed to me against the measure, and adhering to a strict reserve as to the course which I might deem it proper eventually to pursue”. Eager to avoid adding “fuel to the fire”, Elgin abstained from making any statements which might appear to be a justification of the Bill.¹⁶⁶ For that reason, the colonial secretary did not receive the “good *produceable* Despatch”¹⁶⁷ he wanted to justify Elgin’s conduct, and implicitly his own colonial policy, in Britain’s parliament. Elgin acknowledged that, while he wrote to Grey in depth privately, “you may have been annoyed by my not writing officially to you on that matter”. “You will percieve [sic]”, Elgin explained, “that I could not possibly have maintained this position here if despatches from me vindicating the ministerial Policy had been submitted to the House of Commons”. They could not have been kept secret from the colonists, “and I should have found myself in the midst of the *mêlée a partizan*”.¹⁶⁸ To Elgin it was clearly preferable that he face uninformed criticism in Britain than be accused of partiality in Canada.

He expressed his gratitude to Grey that “in the midst of the reproaches by which I am assailed”, the colonial secretary continued to be supportive. The course he was taking, Elgin explained, was not only the right course, but the only course possible. To succumb to Tory pressure and dissolve parliament would have produced a rebellion without a change of ministry, he believed. “The leaders of the Party know that as well as I do, and were it possible to play tricks in such grave concerns, it would have been easy to throw them into utter confusion by merely calling upon them to form a Gov[ernmen]t.” They correctly calculated that the governor general would be unwilling to make such a move “for the sake of discomfiting them”, and so “played out their game of faction and violence without fear of consequences”.¹⁶⁹

It cannot be sufficiently stressed that in the midst of this ostensible political crisis, economic events exercised at least as much influence on the discontent of the merchant class, especially in the seat of government at Montreal. The abrupt removal of protective tariffs, that followed on the heels of legislation which had bolstered colonial preference in the British market, spelled ruin for traders who had staked their future on channelling wheat from the United States into Britain. Additionally, the controversial retention of the Navigation Laws, which limited colonial merchants to British ships, even when American ones were cheaper and more available, exacerbated anger at a colonial policy that seemed at once punishing and capricious. Elgin looked with alarm at the growth of annexationist sentiment and warned his chief that commercial embarrassments were the real difficulty.¹⁷⁰

Elgin's hopes that he could weather the Rebellion Losses controversy with calm and dignified neutrality were dashed when, on the cold morning of 25 April 1849, he rode in his coach from his residence at Monklands to parliament to give royal assent to the bill. As the governor general signed the bill into law, groans and hisses were heard from the galleries, which were packed with hostile Tory spectators but, significantly, no ladies. The crowd rushed down the stairs and into the street where Elgin attempted to enter his coach amid shouted insults and a hail of rotten eggs and paving stones. With Elgin escaping the scene, attention turned to the Champ de Mars, where an open air meeting was hastily organised for that evening. The mob of fifteen hundred, many of whose mode of dress revealed that they were of the “respectable” class,¹⁷¹ was ill-controlled by the authorities, who indeed helped to

inflame its passions. The chief of the fire brigade led a crowd to the parliament buildings. Stones lobbed through the windows shattered the shades of the gas lamps, igniting the chamber where the speaker sat waiting to adjourn the house. Fire swept unchecked through the parliament buildings.¹⁷² "I confess I did not before know", Elgin marvelled, "how thin is the crust of order which cover the anarchical elements that boil and toss beneath our feet".¹⁷³

The disappointed mob had not yet finished venting its wrath. The ladies of the viceregal household were insulted when they made their way to church on Sunday. The following day—30 April—the governor general drove from Monklands to receive an address of loyalty from the legislature and was again assaulted. He protected his face from the rain of stones with his hat, but a large stone struck him in the chest. Colonel Bruce, Elgin's brother, received a severe blow to the head. Cavalry escorting the governor general, many of whom were the sons of Montreal's disappointed merchants, sat back regarding the scene with amusement.¹⁷⁴ Elgin confided to Grey that petitions praying for his recall were being circulated. "I wish to God they had nothing more mischievous in hand", he added anxiously.¹⁷⁵ In his public despatch, Elgin provided a dispassionate narrative of events and reiterated his goal of maintaining a position of "dignified neutrality". He expressed his willingness to yield his position to another who, while not holding "views at variance with mine with respect to the duties of a constitutional Governor", would have the advantage of "being personally unobnoxious" to any section of the province's inhabitants.¹⁷⁶

Believing that his presence was provocative to the crowds and determined that "no stain of blood shall rest upon my name", Elgin remained sequestered at Monklands outside the city while feelings continued to run high.¹⁷⁷ He declined to prorogue parliament in person on May 30, delegating the authority to General Rowan.¹⁷⁸ His aloof position was taken as evidence of cowardice by critics in Canada and Britain. A Canadian political cartoon featured "The Hermit", "lately discovered in the woods, near Monklands".¹⁷⁹ Another satirist reported that Monklands was being converted into a castle of refuge with egg-proof iron plates on the windows.¹⁸⁰ Thomas Carlyle mocked the governor's inactivity, likening him to a "Canadian lumber-log" passively signing his name to objectionable legislation by an automated "Birmingham shoulder crank". What was wanted, Carlyle insisted,

was a true governor of men. "What the meaning of a Governor, if he is not to overhaul and control such things, may be, I cannot conjecture".¹⁸¹ *The Times*, which had been supplied with correct information by Grey, expressed support for Elgin when news of the Montreal riots reached Britain, but the *Morning Post*, *Morning Chronicle* and *Spectator* were all critical.¹⁸² The *Morning Chronicle*'s sensationalist coverage of the story may have been prompted in part by a wish to boost circulation as a remedy for financial woes.¹⁸³ Gladstone initiated a House of Commons debate on the Rebellion Losses Act, being careful to avoid any direct criticism of Elgin, who had been his contemporary at Oxford. J.C. Herries was prepared to go further, and called for the disallowance of the act. While the motion was ultimately defeated, the debate attracted much attention to the larger issue of British colonial policy and self government. In the House of Lords, Brougham, Lyndhurst and Stanley joined in denouncing both the act and the principle behind it.¹⁸⁴

Grey's memoir recalled that "we agreed without hesitation to advise Her Majesty to signify to Lord Elgin Her undiminished confidence in his ability and judgement".¹⁸⁵ An official despatch in mid June 1849 assured Elgin that "Her Majesty's Servants have arrived at the conclusion that your conduct throughout these transactions is entitled to their entire approbation". The despatch informed the governor general that the Rebellion Losses Act would be left to its operation. It added that if the Act had provided for the compensation of rebels, or "even to have been drawn up so loosely as to afford facilities for such an abuse, we should have felt it to be our duty to advise Her Majesty to... disallow it".¹⁸⁶ These protestations notwithstanding, Grey was at least aware that potential claimants could indeed have been rebels who were simply never convicted. He tacitly agreed with Elgin's earlier private conclusion that "any kind of extra judicial inquisition conducted... with the view of ascertaining what part this or that claimant for indemnity may have taken in 1837 & 1838, would have been attended by consequences much to be regretted".¹⁸⁷

Elgin was gratified by the many signs of support he received from the British cabinet, by Queen Victoria's request to be godparent to his new born son, and by his elevation to the British peerage, but at the height of the troubles he stood, he recalled, "literally *alone*". Although the home government expressed confidence in him, "they were puzzled", he acknowledged later.

The logic of the case was against me. Lord Grey and Lord J. Russell both felt that either I was right or I was wrong. If the latter, I ought to be recalled; if the former, I ought to make the law respected. And, lastly, I lost any chance of moral support from the opinion of our neighbours in the States; for, like all primitive constitutionalists, the ideas of government they hold in that quarter are very simple. I have been told by Americans, "We thought you were quite right; but we could not understand why you did not *shoot them down!*"

Many, especially at a distance, failed to grasp the complexity of the issue, and the real principles at stake. "My choice", Elgin explained, "was not between a clearly right and clearly wrong course: how easy is it to deal with such cases, and how rare are they in life! But between several difficulties, I think I chose the least."¹⁸⁸

Elgin's spirit of calm forbearance notwithstanding, he did take some action calculated to show that he was not intimidated by, or prepared to countenance, acts of violence or treason. He expressed his opprobrium towards those who had officially voiced their disloyalty to the crown by signing a manifesto urging severance from the empire and annexation to the United States. On the advice of his ministers, Elgin let it be known that any who signed would be deemed unfit to hold public office.¹⁸⁹ In September 1849 Elgin set out on a tour of Canada West, demonstrating bravery by choosing to be accompanied only by his brother Colonel Bruce, and one servant.¹⁹⁰ The tour was a personal triumph for the governor general who was warmed by his cordial reception, and the many avowals of loyalty.¹⁹¹ Perhaps most significantly, the conduct of Montreal's elite during what Elgin termed "the Canadian Tory rebellion of 1849"¹⁹² convinced him that the removal of the seat of government from that city was inevitable.¹⁹³ Montreal, he concluded, was "rotten to the core".¹⁹⁴

Elgin was fortunate to stay in Canada long enough to witness the vindication of his policies. Even critics were forced to reconsider their opposition as subsequent events educated them in the workings of responsible government. One of Canada's "ablest men", not then in politics, admitted, "Yes, I see it all now, you were right, a thousand times right, though I thought otherwise then. I own that I would have reduced Montreal to ashes before I would have endured half of what you did.... I should have been justified, too."¹⁹⁵ Goldwin Smith later described Elgin as "the public servant of the Empire whose only rule has been administrative duty in contrast with the party leader and the demagogue". Smith noted Elgin's claim that, even

under responsible government, he enjoyed a moral influence that compensated for the loss of executive power. "This, with his personal gifts and graces, and while the system was still in the green wood, he may possibly have done", Smith allowed.¹⁹⁶

While 1849 provided the first opportunity for Elgin to demonstrate the proper role of a constitutional governor, it was not the last during his term of office. By 1851, both LaFontaine and Baldwin had retired from office. The Liberal-Reform ministry continued to hold power under Francis Hincks and Augustin Morin. In June 1854, the Hincks ministry faced an Assembly that was divided over the contentious questions of reform of the seigneurial system and secularisation of the clergy reserves, and eager to call Hincks to account for personal corruption in his handling of railway financing. Motions censuring the government passed, and amid a general atmosphere of denunciation, the ministry's resignation seemed certain. To the astonishment of the opposition, however, Elgin accepted the sudden advice of Morin and Hincks to prorogue parliament. Hincks rationalized the move to an early election on the grounds that new measures for increasing the representation of each part of the province should be put into effect before important legislation was placed before the Assembly. This reasoning did not convince John A. Macdonald, who angrily denounced the action as unconstitutional. An election was not due for two years, and the move had the appearance of a brazen attempt to circumvent further criticism.¹⁹⁷ John Sandfield Macdonald, as speaker of the house, made use of the opportunity to exact revenge on Hincks for earlier slights. His speech on the occasion of the prorogation was not the mere formality that might have been expected, but rather a thinly cloaked reproach to the ministry and Elgin himself. Sandfield Macdonald observed that, while it was usually the custom to review the principal measures passed during the session, he was unable to do so "inasmuch as there has been no act passed or judgment of parliament obtained". The passing of legislation was "held to be necessary to constitute a session of parliament", he argued, but the assembly had been unable to accomplish this "owing to the command which your Excellency has laid upon us".¹⁹⁸ Elgin's face, according to one observer, betrayed his "deep displeasure and annoyance" while the speech was read, and when the same words were repeated in French, he made a gesture of angry impatience.¹⁹⁹ Having written to his wife only days before about his fondness for Canada and his

fanciful notion that he could remain after his term ended, Elgin now wryly confided that "my Parliament has been trying to diminish my sentimentality for this country by behaving very badly".²⁰⁰ While there is not enough archival evidence to fully explore Elgin's reasons for accepting the advice of his ministers in this instance, his actions were entirely in keeping with his conviction that in purely domestic matters, the governor should act on ministerial advice. Of course, this general principle did not eliminate the possibility that the governor could exercise his own discretion and refuse such advice under exceptional circumstances. This possibility was realized by Elgin's immediate successor, Sir Edmund Head, in 1858.²⁰¹

Ironically, the event that most thoroughly vindicated Elgin was the rise to power of his severest critics. The elections that followed the sudden dissolution of parliament in the summer of 1854 had not rendered a clear verdict, but by September 1854 Elgin resolved to call upon Sir Allan MacNab and Morin to form a ministry.²⁰² MacNab had earlier railed against French domination under responsible government and Elgin rejoiced that "I have brought into office the gentlemen who made themselves for years most conspicuous and obnoxious for personal hostility to myself". This, he explained, gave "the most complete negative to the allegation that I am swayed by personal motives in the selection of my advisers.... This is certainly for me, and I hope for the country, the most fortunate windup of my connexion with Canada which could have been imagined."²⁰³ To the new secretary of state for the colonies, Sir George Grey, Elgin expressed his pleasure that "the constitutional impartiality of the Representative of the Crown will be fully vindicated".

They who have watched the course of Canadian History during the last few years, who have noticed the part played in our local politics by Sir A. McNab & his followers & their systematic endeavour to single out the Governor General for attack & to make him personally responsible for administrative measures which they condemned—will understand its full moral significance.²⁰⁴

Nevertheless, Elgin admitted to his wife, "it is rather amusing for me to find myself abused for my partiality for Sir A. M'Nab, and my selection of him ascribed to personal feelings".²⁰⁵

In later years, Elgin insisted that his former chief, Earl Grey, edit his political reminiscences to omit any allusion to the treatment he had suffered during the Rebellion Losses riots. Such recollections were not entitled to the dignity of a place

in the colonial secretary's narrative, he argued.²⁰⁶ He also refused to allude to the incidents when he gave his farewell speech in Montreal just prior to leaving Canada in 1854. "I shall carry away no recollections of my sojourn among you except such as are of a pleasing character", he promised. He vowed to remember the "undaunted courage" with which Montreal's merchants, "while suffering under the pressure of a commercial crisis of almost unparalleled severity", urged forward the first steps toward progress in the railway age. "And I shall forget—but no—what I might have had to forget is forgotten already; and therefore I cannot tell you what I shall forget", he graciously pretended.²⁰⁷

Elgin is thus able to enjoy a virtually unassailable reputation for his contribution to Canada's constitutional evolution. The principles he helped to entrench were not his own unique invention by any means, but his commitment to them, in the face of vehement abuse and criticism, was firm. Few would challenge Lord Tweedsmuir's assessment of Elgin as "the ablest... of nineteenth-century viceroys".²⁰⁸ It must not be overlooked, however, that Elgin came to Canada with clear instructions from Grey to implement responsible government. Grey's despatches, even before Elgin's arrival in Canada, demonstrated a clear commitment to the principle. Grey, of course, was himself swayed at times by Elgin's views. J.L. Morison noted that "in tracing the growth of Grey's colonial policy, it is impossible for anyone to mistake the evidences of Elgin's influence". He goes so far as to suggest that the chapter on Canada in Grey's book "owes almost more to Elgin than it does to the avowed author".²⁰⁹ This is probably an exaggeration, but it is difficult to extricate the threads of each man's influence. The team of Grey in the Colonial Office, and Elgin in Canada was a happy combination of two conscientious and clear-thinking individuals, each with a strong commitment to public service and constitutional government. Added to this was a *zeitgeist* that favoured colonial reform. It is revealing that historians have had so much trouble tracing the source of the responsible government principle.

Subsequent events revealed that 1849, while pivotal, did not see all of Canada's constitutional problems solved. Despite assumptions that the governor could thenceforward fill a role analogous to that of the monarch, troubling inconsistencies remained. The fact that external matters such as foreign treaties, or

matters touching upon the constitution, were still subject to imperial control also weakened the analogy. Responsible government notwithstanding, the governor was still expected to scrutinize colonial legislation for any encroachments upon Britain's domain.²¹⁰ The other key difficulty that was not solved by responsible government was one that Elgin had recognised very early in his tenure. The new system gave French Canadians equal access to positions of power in the united legislature. It did not, however, guarantee that their interests *as* French Canadians would always be addressed. Nationality was accorded no sacred status in the vicissitudes of provincial politics. Even after Confederation, this would remain the central dilemma that would defeat the best efforts of generations of Canadian politicians. That these looming questions were not solved in 1849 does not diminish the success of Elgin's "great experiment".

¹ George Cornwall Lewis, *Government of Dependencies* (London: M. Walter Dunne, 1902 ed.), 179. First published in 1841. It should be noted that Cornwall Lewis qualified this assertion with the proviso "supposing the dependency not to be virtually independent". While Canada could not truly be said to be 'independent' with the extension of responsible government, it was evidently progressing toward that condition.

² For a brief survey of some aspects of this changed role, see William Menzies Whitelaw, "Responsible Government and the Irresponsible Governor", *Canadian Historical Review* 13 (December 1932), 364-86.

³ Sydney Checkland, *The Elgins*, 79, 86-91; "James Bruce" in *Dictionary of Canadian Biography*, IX, 89-93.

⁴ NAC, Elgin Papers, A401, Frederick Bruce to Elgin, 3 March 1853.

⁵ Byron, "Childe Harold's Pilgrimage" Canto the Second, *Childe Harold's Pilgrimage and Other Romantic Poems*. John D. Jump, ed. (London: J.M. Dent, 1975), 38. The marbles remain at the British Museum, despite efforts to have them returned to Greece. Interestingly, in recent years, the museum exhibit has been re-labelled. They are now known as the "Parthenon Marbles", and not the "Elgin Marbles".

⁶ Byron, "The Curse of Minerva" *The Complete Poetical Works of Byron*. Paul Elmer More, ed. (Boston: Houghton Mifflin, 1933), 269-70. See also Byron, *English Bards, and Scotch Reviewers; a Satire* (London: James Cawthorn, 1810), 80.

⁷ Theodore Vrettos, *The Elgin Affair*, 34.

⁸ Sydney Checkland, *The Elgins*, 65.

⁹ Theodore Vrettos, *The Elgin Affair*, 198, 194, 171, 204.

¹⁰ Theodore Walrond, *Letters and Journals*, 2.

¹¹ Sydney Checkland, *The Elgins*, 95.

¹² Theodore Walrond, *Letters and Journals*, 2.

¹³ Sydney Checkland, *The Elgins* 100.

¹⁴ "Bruce, James" in *Dictionary of National Biography*, vol. III, 104.

¹⁵ Sydney Checkland, *The Elgins*, 101.

¹⁶ *Ibid.*, 103-6.

¹⁷ Kenneth N. Bell and W.P. Morrell, eds., *Select Documents on British Colonial Policy 1830-1860* (Oxford: Clarendon Press, 1928), xviii.

¹⁸ Sydney Checkland, *The Elgins*, 106-111.

¹⁹ John L. Morison, *The Eighth Earl of Elgin*, 76-7.

²⁰ NAC, Elgin Papers, A 401, Elgin to Lady Elgin, 11 March 1847.

²¹ Sydney Checkland, *The Elgins*, 116.

- ²² NAC, Elgin Papers, A401, Elgin to Lady Elgin, 13 March 1847.
- ²³ *Ibid.*, Elgin to Lady Elgin, 15 January 1847.
- ²⁴ *Ibid.*, Elgin to Lady Elgin, 12, 14 June 1854.
- ²⁵ *Extracts from the Letters of James Earl of Elgin... to Mary Louisa Countess of Elgin, 1847-1862* (Edinburgh, privately printed, 1864). Elgin to Lady Elgin, 24 May 1857, 22.
- ²⁶ *Ibid.*, 20 July 1857, 39.
- ²⁷ *Ibid.*, 13 February 1862, 248.
- ²⁸ Sydney Checkland, *The Elgins*, 197.
- ²⁹ George Wrong, *The Earl of Elgin*, 65.
- ³⁰ W.L. Grant, "Master-Builders of Greater Britain, XVI, Lord Elgin" in *United Empire: The Royal Colonial Institute Journal*, 4, New Series (1913), 309-11.
- ³¹ NAC, Elgin Papers, A 401, Elgin to Lady Elgin, 2 February 1847.
- ³² Charles Edward Poulett Thomson, first Baron Sydenham was only forty when he took office in Canada in 1839, but was far from robust. The unmarried Sydenham had a reputation for being vain and effeminate, suffered from gout, and succumbed to injuries suffered in a fall from his horse when he had been in office less than two years. His successor, the sixty-year-old Sir Charles Bagot, was already in failing health as he arrived early in 1842. Bagot fell victim to "a combination of maladies" and died in May 1843. He was succeeded by Charles Theophilus Metcalfe, first Baron Metcalfe, a fifty-eight-year-old bachelor who developed an unsightly facial tumour while in Canada and was forced to retire to Britain in November 1845. Aged 62, Charles Murray Cathcart, whom Grey described as "a mere soldier" was a stop-gap appointment in April 1846. See Phillip Buckner, "Thomson, Charles Edward Poulett, first Baron Sydenham" in *Dictionary of Canadian Biography*, vol. VII, 855-62; *Letters from Lord Sydenham... to Lord John Russell*, Paul Knaplund, ed. (Clifton, New Jersey: Augustus M. Kelley, 1973), 17; J.M.S. Careless, *The Union of the Canadas: The Growth of Canadian Institutions, 1841-1857* (Toronto: McClelland & Stewart, 1967), 47,56; Jacques Monet, "Bagot, Sir Charles" in *DCB*, VII, 30-33; Donald R. Beer, "Metcalfe, Charles Theophilus, first Baron Metcalfe" in *DCB*, VII, 603-8; O.A. Cooke and Norman Hillmer, "Cathcart, Charles Murray" in *DCB*, VIII, 134-6.
- ³³ Goldwin Smith, *Canada and the Canadian Question*, 104.
- ³⁴ Tweedsmuir, "The Centenary of the Publication of Lord Durham's Report" *Canadian Historical Review* 20 (June 1939), 118.
- ³⁵ Laurence Oliphant, *Episodes in a Life of Adventure, or Moss from a Rolling Stone* (London: William Blackwood & Sons, 1887), 49.
- ³⁶ *Extracts from the Letters of James Earl of Elgin*, Elgin to Lady Elgin, 5 June 1858, 103.
- ³⁷ A lorch is a river boat. The Arrow incident occurred in October 1856.
- ³⁸ Elgin issued an ultimatum to the Chinese, but had been horrified to discover that the date he had threatened to bombard Canton was the feast day of the Massacre of the Innocents. He hurriedly postponed the date but confided to Mary, "I never felt so ashamed of myself in my life." *Extracts from the Letters of James Earl of Elgin*, Elgin to Lady Elgin, 22 December 1857, 65-6.
- ³⁹ *Ibid.*, May 1860, 184.
- ⁴⁰ Sir William P. Howland as quoted in James Young, *Public Men and Public Life*, I, 79.
- ⁴¹ Barbara J. Messamore, "'A Suppliant for Justice': Elgin as Governor General of Canada" *Canada 1849*, Derek Pollard, ed. (Edinburgh: University of Edinburgh Centre of Canadian Studies, 2001) 48-69.
- ⁴² EG, I, Elgin to Grey, 3 September 1846, 5; Elgin to Grey, Secret, 18 May 1847, 39-40.
- ⁴³ Walter Bagehot, *The English Constitution*, 225.
- ⁴⁴ W.P. Morrell, *British Colonial Policy in the Age of Peel and Russell* (London, 1966), 37. Morrell, however, was writing before the existence of many of the important collections was known.
- ⁴⁵ EG, I, Elgin to Grey, 27 March 1848, 139.
- ⁴⁶ *British Parliamentary Papers relating to Canada [PP]* 1847-48. vol 17, A.C. Buchanan to Major Campbell, 9 June 1847, enclosed in Elgin to Grey, 12 June 1847, despatch 57, 200-201.
- ⁴⁷ *The Times*, 17 September 1847.
- ⁴⁸ Earl Grey, *The Colonial Policy of Lord John Russell's Administration* (London, 1853), I, 239-40. See also Oliver MacDonagh, *A Pattern of Government Growth, 1800-60: The Passenger Acts and their Enforcement* (London: MacGibbon & Kee, 1961), 172-4.
- ⁴⁹ PP, vol. 17, Elgin to Grey, despatch 81, 13 August 1847, 208.
- ⁵⁰ EG, I, Elgin to Grey, private, 17 February 1848, 124.

⁵¹ *Ibid.*, Elgin to Grey, private, 26 April 1848, 144.

⁵² J.E. Hodgetts has acknowledged the role played by Elgin in Grey's change of heart. See *Pioneer Public Service. An Administrative History of the United Canadas, 1841-1867* (Toronto: University of Toronto Press, 1955), 245-7.

⁵³ EG, I, Elgin to Grey, private, 16 November 1848, 256.

⁵⁴ *Ibid.*, Grey to Elgin, private, 18 May 1849, 351.

⁵⁵ Kingston *Chronicle*, as quoted in William P.M. Kennedy, *Lord Elgin*, 139.

⁵⁶ On some of the confusion that has prevailed over the use of the term 'responsible government', see Graeme Patterson, "An Enduring Canadian Myth: Responsible Government and the Family Compact" *Journal of Canadian Studies* 12 (spring 1977), 3-16. Patterson points to the fact that the term was considered synonymous with 'self government' in the nineteenth century. This, however, in no way contradicts the sense in which the word is now used. If the governor general was responsible to Canadian ministers and not to British ones, by definition the colony enjoyed self government. Patterson's claim that Durham and most of his contemporaries did not intend the term to refer to parliamentary government is likewise flawed, given Durham's clear reference to the form of government in place in the mother country as a model. Nor does Patterson offer any convincing evidence that responsible government was "necessarily linked to the democratization of colonial government". No widening of the franchise was implied in the change of composition of the Executive council.

⁵⁷ Chester Martin, *Empire and Commonwealth: Studies in Governance and Self-Government in Canada* (Oxford: Clarendon Press, 1929), 150. C. P. Lucas, ed., *Lord Durham's Report on the Affairs of British North America*, vol. 1 (Oxford: Clarendon Press, 1912), 137, cites a petition by residents of Upper Canada presented to the British House of Commons by Stanley on 14 May 1829 which called for "a local responsible ministry"; see also G. P. de T. Glazebrook, *Sir Charles Bagot in Canada: A Study in British Colonial Government* (London: Oxford University Press, 1929), 28-9.

⁵⁸ The degree of influence this report exerted on contemporary thinking is the subject of a revisionist study by Ged Martin. Martin argues that the overwhelming emphasis later generations of historians have placed on the report as the catalyst for the introduction of responsible government is out of proportion. See Ged Martin, *The Durham Report and British Policy: A Critical Essay* (Cambridge: Cambridge University Press, 1972). See also Ged Martin, "Attacking the Durham Myth: Seventeen Years On" *Journal of Canadian Studies* 25 (Spring 1990), 39-59.

⁵⁹ Durham's facile dismissal of any inherent contradiction between self-government and continued imperial control of certain areas of legislation has frequently invited comment. Subsequent history revealed that the line was not always easily drawn. See C.P. Lucas, ed., *Lord Durham's Report*, vol. 1, 284-5 and Ged Martin, *The Durham Report and British Policy*, 54-55.

⁶⁰ Lord Durham, *Report on the Affairs of British North America*. Gerald M. Craig, ed. (Toronto: McClelland & Stewart, 1963), 139-142. Chester Martin noted that Durham had been given a copy of Baldwin's memorandum to Lord Glenelg before he produced his report. See Chester Martin, *Empire and Commonwealth*, 150.

⁶¹ Charles Buller, "Responsible Government for Colonies" in *Charles Buller and Responsible Government*, E.M. Wrong, ed. (Oxford: Clarendon Press, 1926), 89,91,93.

⁶² Edward Gibbon Wakefield, "Sir Charles Metcalfe in Canada" reprinted from Fisher's *Colonial Magazine*, 1 (July 1844) in E.M. Wrong, *Ibid.* 256. Despite this apparently clear statement, Wakefield's ideas about responsible government are difficult to pin down. He seems to have believed that the American colonies enjoyed responsible government before 1776, and that it had been "lately conceded" in Canada by 1844, the date of writing. See pp. 173-4, 323-4.

⁶³ NAC, Elgin Papers, A 401, Elgin to Lady Elgin, private, 2 March 1847. Some of Elgin's letters to Lady Elgin appear in *Extracts from the Letters of James Earl of Elgin*. These must be used with caution, however, as they have been edited and are not always accurately dated.

⁶⁴ NAC, Elgin Papers, A 401, Elgin to Lady Elgin, private, 11 March 1847. Interestingly, once the system had been successfully adopted, Elgin seems to have succumbed to the temptation to claim it as his own. He indignantly complained to his wife that Newcastle seemed to be "playing a cunning game. ... He is actually forcing my system on every colony in the Empire and if he could get me out of the way he would be able all the better to claim exclusive credit for it." See NAC, Elgin Papers, A 401, Elgin to Lady Elgin, private, 22 November 1853, Addendum dated "Sunday". See also H.V. Evatt, *The King and His Dominion Governors*, 23-29.

- ⁶⁵ *PP*, vol. 13, Lord John Russell to the Right Hon. C. Poulett Thomson, despatch, 7 September 1839. For a useful detailed survey of the reactions and attitudes of colonial governors toward responsible government before Elgin, see John Manning Ward, *Colonial Self-Government. The British Experience, 1759-1856* (Toronto: University of Toronto Press, 1976), 250-68.
- ⁶⁶ *Statutes, Treaties and Documents*, Lord John Russell to Poulett Thomson, 14 October 1839, 421-3.
- ⁶⁷ *Ibid.*, Lord John Russell to Poulett Thomson, 16 October 1839, 423.
- ⁶⁸ *Ibid.*, Poulett Thomson to a Friend, 12 December 1839, 430.
- ⁶⁹ See *Letters from Lord Sydenham... to Lord John Russell*, Sydenham to Lord John Russell, private, 27 June 1841, 147. A useful overview of Sydenham's term of office may be found in J.M.S. Careless, *The Union of the Canadas*, 9-57; in Chester Martin, *Empire and Commonwealth*, 245-264; in W.P.M. Kennedy, *The Constitution of Canada* (London: Oxford University Press, 1922), 182-209; in J.L. Morison, *British Supremacy and Canadian Self-Government 1839-1854* (Glasgow: James MacLehose & Sons, 1919); and Adam Shortt, *Lord Sydenham* (London: Oxford University Press, 1926). William Leggo maintains that Sydenham's dominating spirit would have prevented any concessions to responsible government. William Leggo, *Administration of Dufferin*, 43.
- ⁷⁰ *Statutes, Treaties and Documents*, Metcalfe to Stanley, 5 August 1843, 489.
- ⁷¹ See Stanley to Peel, 19 July 1841, as quoted in Paul Knaplund, "The Buller-Peel Correspondence Regarding Canada" *Canadian Historical Review* 8 (1927), 41.
- ⁷² *Statutes, Treaties and Documents*, Stanley to Bagot, 8 October 1841, 459.
- ⁷³ *Ibid.*, Bagot to Stanley, 26 September 1842, 478-82; G.P. de T. Glazebrook, *Sir Charles Bagot in Canada*.
- ⁷⁴ Bagot to Stanley, 28 October 1842, as quoted in W.P. Morrell, *British Colonial Policy*, 56. For the significance of this episode, see Rosa W. Langstone, *Responsible Government in Canada* (London: J. M. Dent, 1931), 130-36.
- ⁷⁵ J.L. Morison, *British Supremacy and Canadian Self-Government*, 159-160.
- ⁷⁶ W.P.M. Kennedy, *Lord Elgin*, 2. While she found Metcalfe to be "honourable, kindly, energetic, and well-meaning", Rosa Langstone described him as "curiously unfitted, both in character and training, to deal with the complicated problems of Canada". Rosa Langstone, *Responsible Government in Canada*, 136-7.
- ⁷⁷ Metcalfe, as quoted in Jacques Monet, *The Last Cannon Shot: A Study of French-Canadian Nationalism, 1837-1850* (Toronto: University of Toronto Press, 1964), 137.
- ⁷⁸ *Statutes, Treaties and Documents*, Metcalfe to Stanley, 5 August 1843, 489-493.
- ⁷⁹ Edward Gibbon Wakefield, "Sir Charles Metcalfe in Canada", 282-327.
- ⁸⁰ W.P.M. Kennedy, *Lord Elgin*, 17-23; J.M.S. Careless, *The Union of the Canadas*, 82-85; Rosa Langstone, *Responsible Government in Canada*, 143-7; W.P. Morrell, *British Colonial Policy*, 59-68; Chester Martin, *Empire and Commonwealth*, 280-303; J.L. Morison, "Parties and Politics, 1840-1867" *Canada and Its Provinces* Adam Shortt and Arthur C. Doughty, eds. (Toronto: Edinburgh University Press, 1913), 45.
- ⁸¹ Metcalfe to Stanley, 25 February 1844, as quoted in J.M.S. Careless, *The Union of the Canadas*, 87.
- ⁸² J.M.S. Careless, *The Union of the Canadas*, 101. See also George Metcalf, "Draper Conservatism and Responsible Government in the Canadas, 1836-1847" *Canadian Historical Review* 42 (December 1961), 323-4.
- ⁸³ Earl Grey, *The Colonial Policy of Lord John Russell's Administration*, I, 206.
- ⁸⁴ *EG*, I, Grey to Elgin, 4 August 1846, 3.
- ⁸⁵ Phillip A. Buckner, *The Transition to Responsible Government: British Policy in British North America, 1815-1850* (London: Greenwood Press, 1985), 294.
- ⁸⁶ Kenneth N. Bell and W.P. Morrell, eds., *Select Documents on British Colonial Policy*, xxxv.
- ⁸⁷ J.L. Morison, *British Supremacy and Canadian Self-Government*, ix.
- ⁸⁸ Peter Burroughs, "The Determinants of Colonial Self-Government" *Journal of Imperial and Commonwealth History* 7 (1978), 322.
- ⁸⁹ J.L. Morison, *British Supremacy and Canadian Self-Government*, 260-262.
- ⁹⁰ W.P. Morrell, *British Colonial Policy*, 207.
- ⁹¹ Helen Taft Manning, "Who Ran the British Empire 1830-1850?", 106. Manning commented that the passage from the draft which she quotes was omitted from the final book. In fact, the passage appears, with only minor changes which do not alter the meaning. See Earl Grey, *The Colonial Policy of Lord John Russell's Administration*, I, 203.
- ⁹² Phillip A. Buckner, *The Transition to Responsible Government*, 294.

⁹³ *Ibid.*, 295.

⁹⁴ *Ibid.*

⁹⁵ EG, I, Grey to Elgin, private 14 April 1848, 138.

⁹⁶ EG, I, Grey to Elgin, private, 5 April 1849, 317. The letter to which Grey is responding is Elgin to Grey, private, 14 March 1849, 307-9.

⁹⁷ Phillip A. Buckner, *Transition to Responsible Government*, 294.

⁹⁸ EG, I, Elgin to Grey, secret, 27 March 1847, 21.

⁹⁹ *Ibid.*, Grey to Elgin, private, 19 April 1847, 24.

¹⁰⁰ Phillip A. Buckner, *The Transition to Responsible Government*, 295.

¹⁰¹ Mark Francis has similarly confused the principles of responsible government and democracy in his study of Elgin's political philosophy. See Mark Francis, *Governors and Settlers. Images of Authority in the British Colonies, 1820-1860* (London: Macmillan, 1992), 242. Elgin opposed unalloyed democracy, which he called "the Tyranny of the majority", while firmly embracing responsible government. EG, II, Elgin to Grey, private, 17 December 1850, 776.

¹⁰² As quoted by Helen Taft Manning, "Who Ran the British Empire 1830-1850?", 93-4.

¹⁰³ Kenneth N. Bell and W.P. Morrell, *Select Documents*, xxxiv.

¹⁰⁴ Ged Martin argues that the degree of enmity most contemporary observers felt in light of Wakefield's abortive attempt to abduct a young heiress has been downplayed in accounts of Wakefield's contributions to colonial theory. See Ged Martin, *Edward Gibbon Wakefield: Abductor and Mystagogue* (Edinburgh: Ann Barry, 1997). Howick did accept Wakefield as a valuable theorist on questions of land settlement and colonisation. Wakefield claimed that when Grey became colonial secretary he brought his ideas into discredit by improperly applying them, by picking out "bits of it here and there, turn[ing] them into crotchets of his own, and then call[ing] it mine". Edward Gibbon Wakefield, "A View of the Art of Colonization" in *The Collected Works of Edward Gibbon Wakefield*, M.F. Lloyd Prichard, ed. (Glasgow: Collins, 1968), 771, 770.

¹⁰⁵ Helen Taft Manning, "Who Ran the British Empire?", 94-5.

¹⁰⁶ Kenneth N. Bell and W.P. Morrell, *Select Documents*, xxxvii.

¹⁰⁷ Sir William Molesworth, "On a Royal Commission to Inquire into the Administration of Colonies" *Selected Speeches of the Right Hon. Sir William Molesworth*, Hugh Edward Egerton, ed. (London: John Murray, 1903), 236.

¹⁰⁸ "Grey, Sir Henry George, Viscount Howick, and afterwards third Earl Grey" *DNB*, XXII, Supplement, 787-8. John Manning Ward, *Colonial Self-Government*, 34-6, 42-3 provides a useful survey of Grey's influences and ideas. See also Barrie Dyster, "The Pre-history of the Third Earl Grey" *Journal of the Royal Australian Historical Society* 76 (April 1991), 243-53.

¹⁰⁹ "Grey, Sir Henry George..." *DNB*, 786-789.

¹¹⁰ Ged Martin, *The Durham Report and British Policy*, 59-61; "Attacking the Durham Myth", 45. John Manning Ward rejects this explanation and emphasizes that the shift in British policy in favour of responsible government came as a result of changing constitutional conventions in Britain itself. John Manning Ward, *Colonial Self Government*, 208-90.

¹¹¹ Helen Taft Manning, "Who Ran the British Empire?", 119-20.

¹¹² George Metcalf suggests that historians have too frequently blamed Metcalfe for delaying the implementation of responsible government. He convincingly argues instead that "the significant occurrence was not really Lord Metcalfe's resignation, but that the Conservative government in Britain had fallen and been replaced by an administration which was quite prepared to accept the new theory of colonial government". See George Metcalf, "Draper Conservatism and Responsible Government in the Canadas, 1836-1847" 323-4.

¹¹³ Helen Taft Manning, "Who Ran the British Empire?", 89.

¹¹⁴ Earl Grey, *The Colonial Policy of Lord John Russell's Administration*, I, 208-9. John Manning Ward, *Colonial Self-Government*, 277.

¹¹⁵ *Ibid.*, Grey to Sir John Harvey, despatch, 3 November 1846, 209-213. This also appears in *Statutes, Treaties and Documents*, 494-6. Rosa Langstone asserted that Grey was the "first colonial minister who had any real faith in the Empire". His "importance... in the history of the British Empire can hardly be over-estimated". Rosa Langstone, *Responsible Government in Canada*, 156-7.

¹¹⁶ Chester Martin, "The Correspondence Between Joseph Howe and Charles Buller, 1845- 1848" *Canadian Historical Review* 6, Joseph Howe to Charles Buller, 4 May 1848, 328. Charles Buller, as judge-advocate-general, was unofficially attached to the Colonial Office as a policy adviser. *DNB*,

- vol. III, 246. See also Oliver MacDonagh, *A Pattern of Government Growth*, 172, and John Manning Ward, *Colonial Self Government*, 270-1.
- ¹¹⁷ W. Ross Livingston, "The First Responsible Party Government in British North America" *Canadian Historical Review* 7 (June 1926), 117-29.
- ¹¹⁸ *Statutes, Treaties and Documents*, Grey to Harvey, 31 March 1847, 496-499. This also appears in *EG*, III, 1155-8.
- ¹¹⁹ W. Ross Livingston, "The First Responsible Party Government", 131.
- ¹²⁰ *EG*, III, Grey to Harvey, draft despatch on responsible government, 1151-5.
- ¹²¹ Chester Martin, "The Correspondence Between Joseph Howe and Charles Buller", Howe to Buller, 12 February 1848, 323-7.
- ¹²² W.P. Morrell, *British Colonial Policy*, 72.
- ¹²³ D.M.L. Farr, *The Colonial Office and Canada*, 7.
- ¹²⁴ *EG*, I, Elgin to Grey, secret, 27 March 1847, 21.
- ¹²⁵ *Ibid.*, Elgin to Grey, secret, 24 February 1847, 13.
- ¹²⁶ Chester Martin, *Empire and Commonwealth*, 240.
- ¹²⁷ *Ibid.*, 151.
- ¹²⁸ W.P.M. Kennedy, *The Constitution of Canada*, 249; Rosa Langstone, *Responsible Government in Canada*, 154.
- ¹²⁹ *EG*, I, Grey to Elgin, 4 August 1846, 3-4.
- ¹³⁰ Denis-Benjamin Papineau à J-B Papineau, novembre 1846, as quoted in Jacques Monet, *The Last Cannon Shot*, 251.
- ¹³¹ *EG*, I, Elgin to Grey, Secret, 24 February, 1847 and Elgin to Grey, Secret 27 March 1847, 13, 20.
- ¹³² *EG*, I, Elgin to Grey, private, 4 May 1848, 149.
- ¹³³ NAC, Elgin Papers, A 398. See also *EG*, I, "Confidential Memorandum" enclosed in Elgin to Grey 23 February 1847, 19.
- ¹³⁴ *EG*, I, Elgin to Grey, secret, 24 February 1847, 14.
- ¹³⁵ Jacques Monet, *The Last Cannon Shot*, 257.
- ¹³⁶ *EG*, I, Elgin to Grey, secret, 27 March 1847, 20.
- ¹³⁷ *Ibid.*, Elgin to Grey, secret, 26 April 1847, 28. Jacques Monet argues that Elgin and Sir Charles Bagot both inspired tremendous loyalty among the French, and emphasizes the role of personality in their success. Jacques Monet, "The Personal and Living Bond 1839-1849" *The Shield of Achilles*. W.L. Morton, ed. (Toronto: McClelland & Stewart, 1968), 91.
- ¹³⁸ *Ibid.*, Elgin to Grey, 28 June 1847, 52.
- ¹³⁹ *Ibid.*, Elgin to Grey, 4 May 1848, 149.
- ¹⁴⁰ As quoted in W.P.M. Kennedy, *Lord Elgin*, 53.
- ¹⁴¹ NAC, Elgin Papers, A 401, Elgin to Lady Elgin, 2 February 1847.
- ¹⁴² J.M.S. Careless, *The Union of the Canadas*, 116-117; see also George Metcalf, "Draper Conservatism", 317-19.
- ¹⁴³ *EG*, I, Elgin to Grey, private, 9 December 1847, 102.
- ¹⁴⁴ Chester Martin, *Empire and Commonwealth*, 309.
- ¹⁴⁵ Francis Hincks, *The Political History of Canada Between 1840 and 1855* (Montreal: Dawson Brothers, 1877), 37.
- ¹⁴⁶ *EG*, I, Elgin to Grey, private, 24 December 1847, 102.
- ¹⁴⁷ Chester Martin, *Empire and Commonwealth*, 309.
- ¹⁴⁸ *EG*, I, Elgin to Grey, private, 17 March 1848, 134-135.
- ¹⁴⁹ *Ibid.*, Grey to Elgin, private, 22 March 1848, 125-127.
- ¹⁵⁰ Jacques Monet, *The Last Cannon Shot*, 288-9.
- ¹⁵¹ *EG*, I, Elgin to Grey, private, 4, 18 May 1848, 148-9, 166.
- ¹⁵² *Extracts from the Letters of James Earl of Elgin*, Elgin to Lady Elgin, 14 March 1847, 3.
- ¹⁵³ *EG*, I, Elgin to Grey, private, 4 May, 6 June 1848, 149, 181.
- ¹⁵⁴ *Le Journal*, as quoted by Jacques Monet, *The Last Cannon Shot*, 327.
- ¹⁵⁵ *EG*, I, Elgin to Grey, private, 29 June 1848, 191.
- ¹⁵⁶ Graeme Patterson, "An Enduring Canadian Myth: Responsible Government and the Family Compact" explored the metaphorical use of these terms. Patterson questioned G.M. Craig's conclusion that the term 'family compact', while not literally accurate, remains useful. Its use here, following Craig's argument, is adopted in the same sense that one might say 'old boys' network' even when the reference is not literally to people who attended the same school.

- ¹⁵⁷ Treatment of the Rebellion Losses Bill controversy can be found in Jacques Monet, *The Last Cannon Shot*, 335-366; J.M.S. Careless, *The Union of the Canadas*, 123-31.
- ¹⁵⁸ Grey, *The Colonial Policy of Lord John Russell's Administration*, I, 224.
- ¹⁵⁹ A complete list of the claimants and amounts claimed may be found in *PP*, vol. 18, 1849, "Copies or Extracts of Documents and Correspondence... relating to Compensation for Rebellion Losses in Canada 2 May 1849", 242. See also Ged Martin, "The Canadian Rebellion Losses Bill of 1849 in British Politics" *Journal of Imperial and Commonwealth History* 6 (October 1977), 5.
- ¹⁶⁰ A Canadian Loyalist, "The Question Answered: 'Did the Ministry Intend to Pay Rebels?' In a Letter to His Excellency... The Earl of Elgin and Kincardine..." pamphlet, (Montreal: Armour & Ramsay, 1849), 6-17.
- ¹⁶¹ EG, I, Elgin to Grey, private, 4 January 1849, 280.
- ¹⁶² Earl Grey, *The Colonial Policy of Lord John Russell's Administration*, I, 225.
- ¹⁶³ EG, I, Elgin to Grey, private, 1 March 1849, 299.
- ¹⁶⁴ *Ibid.*, Elgin to Grey, private, 14 March 1849, 307-9.
- ¹⁶⁵ *Ibid.*, Elgin to Grey, private, 29 March 1849, 319.
- ¹⁶⁶ *Ibid.*, Elgin to Grey, private, 11 April 1849, 329-30.
- ¹⁶⁷ *Ibid.*, Grey to Elgin, private, 23 March 1849, 306.
- ¹⁶⁸ *Ibid.*, Elgin to Grey, private, 11 April 1849, 330.
- ¹⁶⁹ *Ibid.*, Elgin to Grey, private, 12 April 1849, 338.
- ¹⁷⁰ *Ibid.*, Elgin to Grey, private, 23 April 1849, 346-50.
- ¹⁷¹ J.L. Morison, *The Eighth Earl of Elgin*, 108.
- ¹⁷² *The Times*, 15, 16 May 1849; George Wrong, *The Earl of Elgin*, 46-7; W.P.M. Kennedy, *Lord Elgin*, 108-9; Sydney Checkland, *The Elgins*, 128.
- ¹⁷³ EG, I, Elgin to Grey, private, 30 April 1849, 350.
- ¹⁷⁴ *The Times*, 23 May 1849; George Wrong, *The Earl of Elgin*, 49-50; W.P.M. Kennedy, *Lord Elgin*, 111; Sydney Checkland, *The Elgins*, 130.
- ¹⁷⁵ EG, I, Elgin to Grey, private, 5 May 1849, 352.
- ¹⁷⁶ *Statutes, Treaties and Documents*, Elgin to Grey, despatch, 30 April 1849, 501-505.
- ¹⁷⁷ W.P.M. Kennedy, *Lord Elgin*, 112.
- ¹⁷⁸ J.L. Morison, *The Eighth Earl of Elgin*, 109.
- ¹⁷⁹ "Punch in Canada", August 1849, in J.W. Bengough, *A Caricature History of Canadian Politics* (Toronto: The Grip, 1886), I, 51.
- ¹⁸⁰ George Wrong, *The Earl of Elgin*, 54.
- ¹⁸¹ Thomas Carlyle, *Latter Day Pamphlets* 187-8.
- ¹⁸² W.P. Morrell, *British Colonial Policy*, 452.
- ¹⁸³ Ged Martin, "The Canadian Rebellion Losses Bill of 1849", 5.
- ¹⁸⁴ *Ibid.*, 15-18; Phillip A. Buckner, *The Transition to Responsible Government*, 314-316; W.P. Morrell, *British Colonial Policy*, 452, 483.
- ¹⁸⁵ Grey, *The Colonial Policy of Lord John Russell's Administration*, I, 227-8.
- ¹⁸⁶ EG, IV, Grey to Elgin, despatch 372, 13 June 1849, 1475.
- ¹⁸⁷ *Ibid.*, I, Elgin to Grey, private, 14 March 1849, 308.
- ¹⁸⁸ Theodore Walrond, *Letters and Journals*, 96-7.
- ¹⁸⁹ *PP*, vol. 19, 1850, "Papers relating to the Removal of the Seat of Government and to the Annexation Movement", Elgin to Grey, despatch 129, 3 December 1849, 22.
- ¹⁹⁰ EG, II, Elgin to Grey, private, 27 September 1849, 483.
- ¹⁹¹ *Ibid.*, Elgin to Grey, private, 9 September 1849, 469; 17 September 1849, 471-2.
- ¹⁹² *Ibid.*, I, Elgin to Grey, private, 17 June 1849, 376.
- ¹⁹³ *Ibid.*, II, Elgin to Grey, private, 20 August 1849, 449-50; 3 September 1849, 463-6.
- ¹⁹⁴ *Ibid.*, I, Elgin to Grey, private, 5 May 1849, 352.
- ¹⁹⁵ John George Bourinot, *Lord Elgin*, 83.
- ¹⁹⁶ Goldwin Smith, *Canada and the Canadian Question*, 104.
- ¹⁹⁷ Ironically, Macdonald later adopted the very same device himself under similar circumstances. See Chapter 6 on Macdonald's advice to Dufferin to prorogue parliament in 1873 at the height of the Pacific Scandal.
- ¹⁹⁸ John Sandfield Macdonald, as quoted in John George Bourinot, *Lord Elgin*, 128-9.

¹⁹⁹ John George Bourinot, *Lord Elgin*, 129-30. The circumstances surrounding the 1854 prorogation are explored in detail in J.M.S. Careless, *The Union of the Canadas*, 189-191, and Donald Creighton, *John A. Macdonald: I: The Young Politician* (Toronto: Macmillan, 1952), 199-203.

²⁰⁰ *Extracts from the Letters of James Earl of Elgin*, Elgin to Lady Elgin, 24 June 1854, 6. There is little correspondence concerning Elgin's decision to grant the request to prorogue. Undoubtedly the suddenness of the decision on his ministry's part was a factor. Even more significant is the fact that there had been a sudden change of ministry in Britain. Newcastle had ceased to be secretary of state for the colonies a few days earlier, and Elgin would not have had time to acquaint the new minister, Sir George Grey, with all of the particulars.

²⁰¹ Chapter 3 deals with the circumstances surrounding Head's refusal of a dissolution to George Brown. Subsequent chapters explore similar controversies during the terms of Monck and Dufferin. In these later instances, the governors chose to accept ministerial advice, but this does not mean that the constitutional power to refuse it had lapsed. The King-Byng affair of 1926 revealed otherwise. Even when the governors did act on advice, they faced criticism. Permitting a prorogation and dissolution to a ministry seeking to escape censure exposed the governor to charges that he was allowing himself to be a passive tool in the hands of politicians. Tweedsmuir was undoubtedly correct in accepting Mackenzie King's sudden advice for a dissolution in 1940 when the Liberal ministry faced criticism over its half-hearted war effort, but the action had the unfortunate effect of involving the governor general in King's disingenuous machinations. See Donald Creighton, *The Forked Road: Canada, 1939-1957* (Toronto: McClelland & Stewart, 1976), 10-12.

²⁰² Elgin's actions in calling upon MacNab reveal that, while he was determined to act on the advice of his ministers, there still remained an important role for the governor in the event that a coalition government was necessary. The composition of the legislative assembly in 1854 gave no party a clear majority. The ministerialists had 65 seats, the radical Clear Grits 40, and the Tories 25. James Young, *Public Men and Public Life*, I, 63-76.

²⁰³ *Extracts from the Letters of James Earl of Elgin*, Elgin to Lady Elgin, 22 September 1854, 7.

²⁰⁴ NAC, Elgin Papers, A 396, Elgin to Sir George Grey, 15 September 1854.

²⁰⁵ *Extracts from the Letters of James Earl of Elgin*, Elgin to Lady Elgin, 14 September 1854, 7.

²⁰⁶ Theodore Walrond, *Letters and Journal*, 85.

²⁰⁷ *Ibid.*, 166. Perhaps Elgin can be forgiven for clinging to a few private mementos. Lady Elgin retained the boulder which had struck her husband, its significance neatly lettered on the side. Sydney Checkland, *The Elgins*, 130. The carriage whose panels had been smashed by pelted rocks was left in its damaged state for years as a reminder. George Wrong, *The Earl of Elgin*, 50. Elgin also held on to a collection of abusive letters he had received, some of which claimed to be from those who had spattered him with eggs. Among the collection is a souvenir white chicken feather. NAC, Elgin Papers, A 399.

²⁰⁸ Lord Tweedsmuir, "The Centenary of the Publication of Lord Durham's Report", 118.

²⁰⁹ J.L. Morison, *British Supremacy and Canadian Self-Government*, 275.

²¹⁰ D.B. Swinfen, *Imperial Control of Colonial Legislation 1813-1865* (Oxford: Clarendon Press, 1970), 95-117.

“Fairly in Hot Water”:
Sir Edmund Head in the United Canadas

Lord Elgin's selection of Sir Allan MacNab after the inconclusive election of 1854 demonstrated that, even under responsible government, an important role remained for the governor general. The potential instability of Canadian politics during the years leading up to Confederation forced Sir Edmund Head, Elgin's successor, to be actively involved in the process of forming governments. He would not be permitted the dignified aloofness of a constitutional monarch.

Sir Edmund Walker Head was born 16 February 1805 at Wiarton Place, near Maidstone, England, the only son of the Reverend Sir John Head, a country clergyman, and Jane Walker. Head's paternal grandfather had been a prosperous settler in Charleston, South Carolina, who had been elected a delegate to the second Continental Congress, but was loyalist. After suffering imprisonment and confiscation of his property, he fled to London and re-established himself as a merchant. His son, Edmund Head's father, was born in South Carolina but brought up in London.¹ Head played up these loyalist roots when serving as the governor of loyalist-dominated New Brunswick.²

Edmund Head was educated at Winchester and Oriel College, Oxford, where he took a First in Classics. After graduating in 1827, he spent two years travelling on the Continent. In Germany, Head stayed with the celebrated mathematician, Charles Babbage. Head was elected Fellow of Merton College, Oxford, in 1830, became a lecturer in Classics, and later a university examiner. Head continued to travel over the next few years, and spent considerable time in Italy, Spain and Germany. He entered Lincoln's Inn in 1835 but was never called to the Bar.

Financial reverses in his father's family probably steered Head toward a career in the civil service. In 1836 he was appointed assistant Poor Law Commissioner, a post which paid a salary of £700. It is probable that Head owed this appointment to his close friendship with George Cornwall Lewis, whose father, Sir Thomas Frankland Lewis, was senior commissioner. Head enjoyed the support of the Marquess of Lansdowne, who was impressed with Head's writings on Spanish

painters,³ and of Sir James Graham.⁴ Head also enjoyed a friendly relationship with Herman Merivale, permanent undersecretary at the Colonial Office. This was fortunate, as Merivale was able to defend Head on at least one occasion when his actions in British North America came under criticism.⁵ With the death of his father in 1838, Head inherited the baronetcy. In the same year, he married the thirty-year-old Anna Maria Yorke, daughter of the Reverend Philip Yorke and great-granddaughter of the first Earl of Hardwicke. By 1841 Head was serving as one of three Chief Commissioners at a salary of £2,000. The younger Lewis had also secured a commission in the Poor Law administration, until 1847 when a comprehensive re-organization spurred by a parliamentary inquiry brought an end to their posts. Allegations of what a biographer coyly calls "certain unsavoury incidents" brought the Poor Law Commission under public scrutiny. Nevertheless, Head survived the character-building experience of "being plunged into the midst of a raging torrent of controversy".⁶ Head's academic distinctions, and his influential supporters, gave rise to the expectation that if he entered the Church he would be certain to rise to a bishopric. But he was, an admirer claimed, "deaf to the Syren voice which wooed him to an early career of purple and fine linen".⁷

Sir Edmund Head's lifelong correspondence with George Cornwall Lewis provides a window into his nature. Their letters are sprinkled with phrases in Latin, Greek, French, Italian, and German, and range over a wide variety of topics. Word origins appear to have been a special preoccupation of both men, and they speculate at length on the etymology of such words as "thrall",⁸ the regional dialect of Herefordshire,⁹ and peculiarities of the Maltese language.¹⁰ Indeed, both seem to have highly prized trivial knowledge of all sorts. Discussions revolved around such issues as the Oxford Movement,¹¹ architecture, British India,¹² kangaroos,¹³ Greek and Roman history, the supposed intellectual defects of the people of Wales,¹⁴ the Poor Law,¹⁵ steam navigation,¹⁶ the type of garments customary for American immersion baptisms,¹⁷ current politics, political philosophy, and, always, books. The two also shared a rather unbecoming tendency to exult in the errors and shortcomings of others. Their letters are liberally sprinkled with references to mistakes they have detected in translations from foreign works, and few matters would seem to be too trivial to escape scrutiny. Most contemporary authors seem to have failed to pass

muster with Head and Lewis, including Macaulay, Carlyle, and Charles Dickens. Lewis predicted that the popularity of *The Pickwick Papers* “though rapid and extensive, will, I think, be short lived”.¹⁸

In 1837 Lewis congratulated Head on deciding against a career in colonial service, remarking that “the scum of England is poured into the colonies: briefless barristers, broken down merchants, ruined debauchees, the offal of every calling and profession are crammed into colonial places”.¹⁹ “I cannot tell you how glad I was to receive the account of Lord Grey’s offer”, Lewis enthused ten years later when he learned that Head had been offered the governorship of New Brunswick,²⁰ although he dismissed the post as “complete banishment into the backwoods” to another friend.²¹ When Head won further advancement to the Canadian viceregal office, Lewis again offered congratulations and hoped that Lady Head “likes the idea of being Queen of Canada”.²²

Sir Edmund and Lady Head had three children, a son, John, who was born in 1840, and two daughters, Caroline and Anna, but it is difficult to imagine Head as an actively involved family man. His ancestral motto was “Study Quiet”, and this seems to reflect his disposition very accurately. In addition to his philological studies, Head was very knowledgeable about art, was a keen geologist and crystallographer, and had a strong interest in the physical sciences.²³ Head was known to have a prodigious memory and his friend George Ticknor recalled that Head could “repeat more poetry, Greek, Latin, German, and Spanish, than any person I ever knew”.²⁴ Henry Taylor asserted that Head might have achieved a great literary reputation, had he not been encumbered by the necessity of earning a living. No one, he maintained, could equal Head in knowledge of both art and books “and when I first knew him there was, along with this, a gaiety of heart, which, in so laborious a student, made perhaps the rarest combination of all. It was subdued afterwards, though not extinguished, by some years of ill-health”.²⁵ The tragic loss of his only son, who drowned while swimming in the St Maurice River in September 1859, undoubtedly cast a shadow over Head’s life.²⁶ Another admirer, Sir Henry Wentworth Acland, gushed:

I am quite in love with Sir Edmund Head... full of knowledge, classical, artistic, scientific. ... I wish I could stereotype his conversation... such a

varied store of knowledge—such memory—such quotations—such mildness—such taste and tenderness.²⁷

Few seem to have praised Head as a warm human being, irrespective of the admiration they may have had for his academic accomplishments. His secretaries in Canada, Richard Pennefather and Lord Bury, did not appear to hold him in high regard.²⁸

Contemporaries saw in Sir Edmund Head's physical appearance a suggestion of his character. Portraits reveal a slim, fine-featured man, with a thin straight nose and wide narrow-lipped mouth. Forty-nine at the time of his Canadian appointment, Head's greying hair recedes from his forehead, and frames his face in ample side whiskers. While Head was Governor of New Brunswick, the *Halifax Sun* described his appearance:

His Excellency is of slender make—5 feet 9 or 10 inches in height, and apparently on the sunny side of 50. He has a slight stoop—as though he had laboured long and studiously at the desk. His complexion is fair—his eyes light blue, full and large—his hair is sandy, and scant. His address is easy and familiar—but the close observer could not fail to trace in the lines about his mouth indications of decision and firmness.²⁹

A contemporary admirer described him as a tall, stately man “with thoughtful brow, and complexion a little purpled by cardiac derangement”. He admitted however that, while Head would have been ideal as the don of a college, “as the Governor of a Province with a self-asserting people, I doubt if he had found the true groove”.³⁰ Head suffered from the *petit mal* form of epilepsy, an affliction that occasionally caused him to break off conversation momentarily and stare blankly. It has also been blamed for the irritability that affected Head, especially in his later life.

Despite his intellectual gifts, Head may have been unsuited to the office of the governor general. His chief strengths—conscientiousness, thoroughness, and painstaking attention to detail—were not those that were most in demand in a post where interpersonal skills were emphasized. A contemporary observer, J.C. Dent, allows that Head very often gave “more attention to the details of departmental work than some of his ministers thought was quite the thing for the representative of the Sovereign. He never put his signature to a public document without reading it through, and finding out all the particulars”.³¹ Head was, E.W. Watkin concluded,

“one of the round men put into the square holes of Provincial Government by the ‘authorities’ at home”.³² While governor of New Brunswick, Head took for granted his superiority over the colony’s elected representatives and compared them unfavourably to those he had worked with while on the Poor Law Commission. “I know”, he confided to Lord Elgin, “I am chairman of a *much worse* Board of Guardians now in the form of our Assembly”.³³ He wrote to Lewis of one of the “little squabbles” that was occupying New Brunswick’s legislators: “Is not all this thoroughly colonial & *kleinstädtenisch*?”³⁴ Head, noted Dent, was not a man of much personal magnetism, and did not seem adept at forming friendships.³⁵ James Young agreed, asserting that the governor general was “by no means popular”.³⁶ “Seldom”, he continued,

has a Governor-General left Canada with fewer friends. The most favourable thing I ever heard said of him was, that he possessed some artistic taste, was a great admirer of Gothic architecture, and that we were mainly indebted to him for the selection of the undoubtedly magnificent Gothic buildings which adorn Parliament Hill in the Dominion capital. In other respects his career as Governor-General was unfortunate, both in the interests of Canada and of his own popularity.³⁷

It is undoubtedly the case that much of Head’s unpopularity—at least with Reform politicians—stemmed from his contentious decision to refuse a dissolution to George Brown with the collapse of his short-lived coalition government in 1858. Brown, through his newspaper, the *Globe*, remained one of Head’s most outspoken critics. With the announcement that the Prince of Wales was to visit Canada in the autumn of 1860, Thomas D’Arcy McGee rose in the Assembly to remark that he hoped that the “unpopular and detested” governor general would not stand between the Prince and the people. The speaker called McGee to order for his remarks but no one spoke up to contradict his view.³⁸ When a tightrope walker offered to transport the visiting Prince across the Niagara Falls in a wheelbarrow, the *Globe* declared that it was out of the question, but that the country would give thanks if he would wheel “Sir Edmund to American soil, never to return....[T]he satisfaction would be increased if the wheeler was Old Nick himself wheeling the Governor-General to Hades amid the usual sulphurous smoke and flames.”³⁹ Complaints also arose during the visit that Head’s “officiousness” prevented some from making addresses to His Royal Highness.⁴⁰

Head's sense of airy superiority extended not only to individuals but to entire ethnic groups. He was contemptuous of the Welsh whom he believed could be civilized "in about three centuries" by "the gradual action of Boards of Guardians, railroads, and other opportunities of intercourse". He heartily agreed with a friend who wrote "from the depths of Wales" wishing "that the devil would fly away with this miserable race of Celtic savages".⁴¹ Nevertheless, Head allowed that certain Welsh practices fell short of Irish ones in atrocity, especially where resistance to law and order was concerned.⁴² While in New Brunswick, Head likened the local politicians to the Irish, citing Graham's warning that "if you once turn your back they will rush[?] in upon you".⁴³ Head also managed to run afoul of the French Canadian population for a supposed ethnic slur. He was criticized for characterizing them as *une race inférieure*⁴⁴ but this seems to have been a misunderstanding, arising out of a poorly-chosen phrase. While speaking in Hamilton, Head had praised the advantages enjoyed by that city's inhabitants, including "the superiority of the race from which most of you have sprung".⁴⁵

Given that the viceregal role allowed latitude for each appointee to promote his individual causes, it is not surprising that Head used his office to work toward enhancing education in British North America. While governor of New Brunswick, Head was instrumental in the reorganization of the University of New Brunswick. He continued his advocacy while in Canada, making the most of his status as ex-officio visitor of McGill University. He clearly saw his role as more than nominal and surprised the university governors by making a number of practical suggestions.⁴⁶

Head also had a keen interest in political science and was much occupied with federation schemes for British North America. The advantages and disadvantages of such a scheme were discussed at length in his correspondence with Lewis.⁴⁷ Ged Martin has suggested that Head's interest in constitutional formulae is in keeping with his character, and seems to reflect a conviction that all politics could be reduced to a mathematical pattern.⁴⁸ Nevertheless, Head does seem to have been forward-thinking, and submitted to the Colonial Office detailed expositions of his views on federation⁴⁹ and the annexation of the Hudson's Bay Company territory.⁵⁰ The imperial government, however, was more inclined to act when a sudden crisis

dictated, rather than as a result of long-range projections. Little came of Head's proposals for the future. The challenge of penetrating Head's hieroglyphic handwriting would have in itself been enough to discourage a close reading of his views.

On his return to England, Head accepted honorary degrees from Cambridge and Oxford, became a member of the Royal Society, and "the Club", a literary and dining society. He was named secretary and treasurer of the Athenaeum literary club. He made an unsuccessful bid to represent the constituency of Pontefract in Yorkshire before accepting an unpaid appointment as civil service commissioner in 1862. The following year Head was elected governor of the Hudson's Bay Company, a post for which Newcastle had proposed him. In 1864 Cardwell offered Head the governorship of Ceylon but he declined, citing Lady Head's health. It is probable that the Hudson's Bay Company position was more congenial to Head in that it allowed him to continue to enjoy London literary society.⁵¹ He continued to busy himself with his literary pursuits, when his duties permitted, publishing a translation of an Icelandic saga, as well as various poems which appeared in *Fraser's Magazine*. He died suddenly in 1868 at age sixty-three.

While in Canada, Head won the dubious distinction of being responsible for what constitutional expert Arthur Berriedale Keith called the "most notorious" refusal of dissolution on the part of a governor general.⁵² In fairness to Head, the circumstances surrounding the events of 1858, in which he refused George Brown's advice to dissolve parliament and went on to countenance the unsavoury "double shuffle" by the Liberal-Conservative ministry, were extremely complicated. The term "political deadlock" has become a cliché for the impasse that was reached in 1864, but long before this government was only kept in operation by a tortuous process of compromise and negotiation. By the late 1850s divisions over culture, language and religion dominated the political landscape in the province of Canada. With responsible government achieved, ideological differences between parties began to blur. The equal political representation for Canada East and Canada West decreed by the Act of Union in 1840 satisfied Protestants in the west when it gave their votes more weight than their numbers warranted. As their population began to

outstrip that of Canada East, however, the injustice of equal representation for unequal numbers began to rankle.⁵³ George Brown proposed a system of representation by population, which would give Canada West the ascendancy over the French Roman Catholics of Canada East that he believed was justified by their superior numbers. Liberal John Sandfield Macdonald maintained that a system of “double majority” would ensure fairness: measures must have the assent of each section of the Assembly separately in order to take effect. While Sandfield Macdonald saw double majority as an inherent necessity in the assembly of the United Canadas, many agreed that it was desirable in practice.⁵⁴ Still others looked forward to a federation of the British North American provinces to resolve the difficulty. But for the moment, this was in the future, and the equality of representation in each section of the province, coupled with the growth of a more vigorous Reform party to split the vote in Canada West, made for a climate of political uncertainty.

Events had been building toward the controversy of 1858 for some time. A ministerial crisis in 1856 brought the issue of double majority into the foreground. Eager to oust the elderly and more extreme Conservative leader, Sir Allan MacNab, moderate Conservatives led by John A. Macdonald manipulated the principle of double majority to force his resignation. Early in May 1856 a supply bill which included £50,000 for public buildings in Quebec sparked rancorous debate in the House. The government had recently reached the controversial decision to make Quebec the permanent seat of government, and the buildings were meant to serve the needs of parliament there. Two want-of-confidence motions arising from the supply bill were defeated, but it was found that the government, while possessed of an overall majority, was in a minority position in Canada West. Many were of the opinion that the seat of government was not a ministerial question. Indeed, many who opposed the amendments to the supply bill—including *Rouge* members—did so, not because they supported the government, but because they approved of the choice of Quebec as capital. Nevertheless, the government resigned.⁵⁵

Head's position was a difficult one. Faced with the resignation of a government still possessed of a majority, he was very reluctant to dissolve parliament. The supplies had not yet been voted, and a great deal of business was

still pending. He accurately surmised that the resignation was of “a very mischievous character”, in which double majority was only a pretext; “the *real object* ... was to get rid of Sir Allan M’Nab who though laid up in bed for two months consecutively would not relieve them by resigning voluntarily”. Head had decided previously not to take any action to force the resignation of MacNab, convinced that to do so would invite “a quarrel between me & the whole Conservative party”. Now, he was confronted with an even more challenging problem, “the absurdity in *one* legislature of requiring *two* majorities”, a practice he maintained was “in fact...ignoring the Union”. A new ministry was reconstituted without dissolution, Etienne Paschal Taché and John A. Macdonald filling the key posts in the new administration. While Head rejoiced that the “obnoxious doctrine” of double majority was repudiated by the government, he admitted that it had been “avowed & rightly that it would not do to [impose]... measures *continuously* and *systematically* on Upper or Lower Canada by the voice of a majority of the other half”. The government had “done what I wanted in staying in”, despite a sectional majority against them, Head reflected, and he had acted rightly in deciding to “adhere to the sound principle of a majority of the House as *one* House not *two*—and to get the business done”.⁵⁶ Privately, Head expressed his relief that, overall, he had “escaped with less personal abuse than could be expected”.⁵⁷

Given the divided political climate, it was not surprising that Head soon faced a fresh ministerial crisis. In 1857 Taché retired and was replaced by George-Etienne Cartier. Cartier and Macdonald formed two consecutive fragile ministries in which the principle of double majority had to be completely abandoned. In fact, it was increasingly difficult to hold on to any majority at all. On 23 July 1858 a government measure to implement tonnage dues on the St. Lawrence River was defeated by two votes. While Macdonald dismissed the adverse vote as “an accidental majority” on a minor matter, Brown was quick to challenge the government’s policy on other matters, especially financial ones.⁵⁸ Eager to detach wavering Liberals who had supported the shaky coalition government, Brown took advantage of discord over the seat of government. When Canada’s legislature had referred the question of the capital to the Queen, Ottawa was named as the royal choice. An address to the Queen on the question was moved on 28 July, and a

number of amendments were proposed, including one that rejected the choice of Ottawa. Macdonald protested the insult to Her Majesty, but the vote went against the government by 64 votes to 50. Brown maintained that the adverse vote was in effect a condemnation of the Liberal-Conservative ministry's entire policy, and Macdonald agreed to move an adjournment as a test of confidence. While the government survived the vote on adjournment, the Macdonald-Cartier administration resigned the next day. Macdonald had apparently decided that Brown's ability to garner support should be put to the test. "A prudent fish will play around the bait for some time before he takes it," Macdonald later scoffed, "but in this instance the fish scarcely waited till the bait was let down. He jumped out of the water to catch it."⁵⁹

Head concluded that "I had no alternative but to accept such resignation" and called upon Brown to form an administration.⁶⁰ Brown asked the governor general for a delay while he consulted his supporters. The following day Brown reported that he was still in consultation and would require one more day to gather sufficient support. Head agreed and on the following day, 31 July, Brown wrote to the governor general to accept office.⁶¹ Head could anticipate the difficulties that were likely to arise, given the Reform leader's tenuous following in the House. He attempted to protect his own position by presenting Brown with a memorandum outlining what course he would and would not be willing to take. He warned Brown that "until the new ministers meet Parliament His Excellency has no assurance that they possess the confidence of the majority of the House". He made it clear, therefore, that "the Governor-General gives *no pledge or promise, express or implied, with reference to dissolving Parliament*". If he were advised to dissolve the House, he would make up his mind based on the circumstances at the time. He would be willing to prorogue the House, but only if certain "necessary steps" were taken first—voting necessary supplies, and other important measures already in progress.⁶²

Head's reservations were well founded. Brown, the champion of the English speaking Protestants of Canada West, formed an unlikely alliance with Antoine-Aimé Dorion, the radical *Rouge* leader of Canada East. Brown cobbled together a cabinet that consisted of the very elements he had fought so vigorously against. J.M.S. Careless has generously concluded that this "showed that he could not have

been quite as intransigent, as impossibly anti-Catholic, as his enemies so often urged".⁶³ The alternative explanation, of course, is that Brown was willing to abandon any principles for the sake of seizing the opportunity of office. The new ministry was sworn in at noon on 2 August and was defeated in a want of confidence vote sometime after midnight.⁶⁴ While Brown's conduct may have been unseemly, that of the opposition was scarcely less so. The law required those who had accepted office in the new administration to vacate their seats and seek re-election. The recently defeated Liberal-Conservatives appeared to take advantage of the temporary absence of these members to help bring about the coalition's defeat. In fact, the presence of those few members who had accepted cabinet posts would not have been enough to stave off the adverse vote, but the episode showed that the late ministry was disinclined to extend any parliamentary courtesy to their rivals, and seemed eager only to secure Brown's humiliation.

Brown appealed to the governor general for a dissolution. He and his colleagues respectfully submitted "they have a right to claim all the support which His Excellency can constitutionally extend to them". They complained of the "unprecedented and unparliamentary course pursued by the House of Assembly" and argued that this "affords the most convincing proof that the affairs of the country could not be efficiently conducted under the control of the House as now constituted".⁶⁵ Head's response was immediate. He acknowledged that he was "bound to deal fairly with all political parties" but added that he "has also a duty to perform to the Queen and the people of Canada paramount to that which he owes to any one party, or to all parties whatsoever". The question to be decided, he explained, was not "what is advantageous and fair for a particular party", but what was most advantageous and fair for the province. The previous ministry had resigned without being defeated on a direct vote of want of confidence. By contrast, Brown's ministry had been defeated on a direct vote of want of confidence, carried by a majority of 40 of the 102 members presently sitting (that is, 71 to 31 votes). Even if all 130 members had been in attendance, Head pointed out, the government would still have been defeated. It was "not the business of the Governor-General", he demurred, to decide whether the action of the House "was, or was not in accordance with the usual courtesy of parliament towards an incoming

Administration. The two Houses are the judges of the propriety of their own proceedings.” Head reminded Brown that an election had taken place the previous winter. There would have to be very strong grounds for submitting the province to the expense and inconvenience of a second election. Further, several important measures were before parliament, including reform of election procedures, and should be dealt with. The time of year was especially inconvenient and burdensome for an election, as the harvest was under way. “What assurance can His Excellency have that a new election, under precisely the same laws, held within six or eight months of the last, will differ in its character from that which then took place?” he asked. Head alluded to the “ultimate danger” that the feelings between Upper and Lower Canada posed to the union, and allowed that “if it could be shown that measures likely to be adopted by Mr. Brown and his colleagues were a specific, and the only specific, for these evils” a dissolution might be warranted. As it was, Brown’s administration had not formulated a policy, and the mere existence of mischief on the part of the opposition was not in itself a good enough reason for a dissolution. Head concluded that “after full and mature deliberation” he was not satisfied that every alternative had been exhausted, and therefore declined to dissolve parliament.⁶⁶ This was the first occasion since the advent of responsible government that the governor general had refused the advice of his ministers. Brown and his colleagues tendered their resignations.

Head’s “full and mature deliberation” notwithstanding, Brown’s defeat in parliament came as no surprise. “The fact was”, Head confided to Lewis, “that Brown knew & I knew that he could not get a majority of the present House—I told him plainly I could not promise to dissolve for the reasons (among others) in my printed paper.” Brown knew this, but believed “that he could bully me into dissolving and he was mistaken”. Head recognised, however, that “the exercise of this discretion is a very serious thing”.⁶⁷

Having refused the advice of one set of ministers, Head was compelled to look elsewhere. Alexander Galt, an independent who might have been able to draw support from other moderates, was Head’s first choice. Interestingly, less than one month earlier, Galt had moved a series of resolutions emphasising the irreconcilable difficulties of the existing union and advocating federation,⁶⁸ a solution which

appealed also to Head. Now Galt declined office, but recommended that the governor general call upon George-Etienne Cartier.⁶⁹ Cartier accepted and sought Macdonald's support. Head's previous advisers had thus been returned to him, in an atmosphere that was as volatile as before, and which had been poisoned by the enmity arising from Brown's brief premiership. Knowing that the opposition would be eager to take revenge for the indecent haste with which they were driven from office, the reconstituted Liberal-Conservative ministry feared vacating their seats to secure re-election in accordance with regulations. While the presence of those few members seeking to hold office would not have been enough to prevent parliamentary defeat in the case of Brown's government, in the case of the Cartier-Macdonald ministry it could well prove decisive. The reinstated administration was not willing to take the chance.

The exigencies of the situation pointed to another remedy: a clause of the recently passed Independence of Parliament Act provided that if any office holder of government resigned his office and accepted another one within a month, he would not be obliged to seek re-election. This provision was obviously meant to allow individual members of cabinet to change portfolios without incurring the expense of an election, but the new administration saw no reason why, under the letter of the law, it would not apply to them.⁷⁰ In a move that has ever since been derisively called the "double shuffle", all of the previous cabinet ministers who held assembly seats were sworn in to new cabinet posts on 6 August, and then switched the following day to their original portfolios. Head, having refused the advice of Brown and his colleagues, now acquiesced in his new ministry's use of this legal loophole.

Two days after the "double shuffle", Head apologised for not writing at greater length to Lewis, in whom he usually confided; "in fact for the last 10 days I have been fairly in hot water having had 3 Governments in the course of this time!" He sent a selective synopsis of events, and admitted that "I have answered abuse & probably shall go through a course of hanging & burning (in effigy) for some time to come". He seemed heartened by the fact that he had been cheered when he went down to assent to some bills, but suspected that the Reformers were waiting to launch a demonstration against him. "The '*dead cats*' etc. are yet to come."⁷¹ Curiously, Head avoided any direct mention of the "double shuffle". Lewis assured

his friend that “the course you took was right and quite successful. You gave the Opposition every chance, with the exception of a dissolution, which I do not think that you were bound to give”. He noted, however, that from the newspaper accounts he had read “there appears... to have been a further stage in the drama, viz. A fictitious tenure of offices for one day, in order to bring the ministers within the provisions of an Act which saves them from vacating their seats and facing a new election”. Lewis admitted that he was “unable from the accounts which I have seen to understand the rights of this question, which looks like a political manoeuvre to keep in office a set of ministers who were afraid to go back to their constituents”. He asked for details so that he could be ready in case questions were raised in the British House of Commons.⁷²

Head prepared an official despatch on 9 August 1858 describing the events since his last report on 31 July. He enclosed copies of his correspondence with George Brown, and clippings from the Toronto *Daily Atlas*, a Conservative newspaper, detailing the ministerial crisis. Of the “double shuffle”, Head commented blandly that “in several cases a double appointment was made. The alleged necessity for this is to be found in a supposed error in the wording of the Provincial Act 20 Vict: c. 22. S. 7.” He explained that as it was “most desirable” that the business of the session be finished “with all reasonable dispatch it was not expedient to vacate more seats than was absolutely necessary”. After a motion in the House questioning the manoeuvre was defeated, the Assembly proceeded with ordinary routine, “and got through a large amount of private business”, Head remarked with apparent approval. While a vote on a question of confidence could be expected, he warned, he had “at present no reason to doubt the result”.⁷³

In Canada, accusations flew in the Assembly that the governor general and the Liberal-Conservative ministry had colluded in the quick defeat of Brown’s ministry. “The whole plan”, Thomas D’Arcy McGee charged, “had been arranged before hand”. When Macdonald’s ministers resigned, he noted, they were in excellent humour, and “looked not at all like disappointed men”. McGee defended his plain speech, pointing out that among English orators in parliament “their mode of speaking was frank, even to rudeness”. “They were not afraid to wound the sensitive ears of kings”, he added, in oblique reference to his criticism of the

governor general. Macdonald defended Head, insisting that he and the governor general had not been in communication from the time of his own resignation, and rejecting accusations that there had been any collusion aimed at keeping Brown and his colleagues from power. "It is a charge that I am a dishonorable man", he protested, "—a charge that the representative of our sovereign, myself, and all of my colleagues, if they have any concern in the matter, are alike dishonorable conspirators, and here in my place in Parliament, I say it is *false as hell*".⁷⁴ Years later, Macdonald, while protesting that he was not bound to defend Sir Edmund Head, insisted that "the sovereign of the day can send for any person he likes, and can charge that person with the formation of a Government, stating on what conditions he could form it.... Sovereigns have again and again, in English history, given permission to form an Administration on certain terms."⁷⁵

Not surprisingly, the *Globe*, George Brown's newspaper, was shrill in its declaration of its "disgust" for the "odious character" of Head's conduct. Head was motivated, it suggested, by a "resolve to frustrate the intentions of his constitutional advisers, and while pretending to receive their counsel, actually to play into the hands of their party opponents". The *Globe* railed against Head's supposed abuse of the prerogative and asked, "with a Governor General of this sort, of what use is Parliament? Of what avail are Ministers?" Both would be reduced to nullities. "If interference like this is to be submitted to, we may as well allow Sir Edmund Head to be Dictator *de jure*, as he already claims to be *de facto*." He had gone farther, it alleged, "than any British king has dared to go since the days of the Stuarts".⁷⁶ An anonymous letter by one who claimed to have no political party affiliation suggested that the newly laid Atlantic telegraph cable be used to send a request to Her Majesty to send another representative in the place of Head.⁷⁷ Another letter by "An Indignant Canadian" several days later called for the circulation of petitions for the same purpose. Then, it declared, "shall the voice of Canada's sons be heard in a tone that will be understood, their tricks and chicanery will obtain its reward, and Canada be freed from bondage".⁷⁸

A want of confidence motion from the opposition, which referred to the "fraudulent evasion of the Act for the Independence of Parliament" and the "gross violation" of the rights of the people, was defeated readily in the Assembly.⁷⁹ Brown

and his colleagues were determined to press the matter still further, however, and launched a legal suit against Macdonald and two colleagues, Sidney Smith and Philip Vankoughnet. Edward Blake, later a leading light in the Liberal party, provided the legal representation for the plaintiffs.⁸⁰ They were disappointed, however, when Chief Justice Draper and his associates—all of whom were Conservative in their politics—ruled that the defendants had been within the letter, if not the spirit, of the Independence of Parliament Act.⁸¹ Head let Lewis know that the judges had decided unanimously that what was done was in conformity with law. “Whether it was expedient or not is another matter”, he added. “I thought & still think that it was not, but this was a point on which I had to take the advice of those who were responsible to the Colonial Parl[iamen]t. The Colonial Parl[iamen]t by its vote has already supported the course which they took”.⁸²

The Colonial Office evidently found no immediate reason to criticise Head's conduct. A minute on Head's despatch of 9 August noted that “it is to be presumed that this despatch etc. is sent in order that the Imp[erial] Govt. may be in possession of all the details... which have led to a change of Govt.”. As for the results to the province, “the Imp[erial] Govt., have, under the present system of Colonial Govt, no responsibility”.⁸³ Herman Merivale concurred. His minute noted that dissolution is “by far the most important discretionary power now vested in a Governor, under responsible government”. The very nature of dissolution meant that the governor “cannot be bound under all circumstances to take the advice of his ministers”. He decided that Head “acted right, in a conjuncture of much difficulty”. He added, however, that the position of the imperial government could be compromised “by any marked approbation which may be confused with siding with one party”, something that he evidently believed the governor exhibited a propensity toward.⁸⁴ Carnarvon, then undersecretary, agreed with Merivale's note of caution, but concluded that Head “acted rightly in refusing to dissolve”. “It is clear”, he averred, “that the new ministry c[oul]d not stand—and from the circumstances reported I do not think they deserved to stand”.⁸⁵

The official statement from the imperial government was cautiously non-committal. “You are well aware”, Lytton wrote to Head, “that Her Majesty's Advisers have no wish to interfere in any way in the domestic affairs of the great

province under your Government". While they had read communications about the late change of administration "with an interest proportioned to the gravity of the subject... they abstain from expressing any opinion on their general contents". The despatch gave approval to Head's personal conduct, noting that it was "in accordance with ... principles of constitutional government". They had no reason to doubt the soundness of Head's judgement, Lytton added, "although this is not a point on which they are qualified to judge".⁸⁶

The Times had no such scruples. It asserted that there was no question as to the wisdom of the conditions Head imposed upon Brown before he would be willing to prorogue parliament. Nor was there any doubt "that the course suggested by the able and upright Governor General of Canada was one best calculated to serve the public interest". It did, however, "lament that he should have thought it his duty in this instance to deviate from the course which would undoubtedly have been pursued by his Imperial Mistress under similar circumstances". The Queen, *The Times* explained, has always treated each administration with complete fairness and impartiality, and "made no conditions or capitulations with her Ministers". This approach has "both strengthened the foundations of her throne and obtained the esteem and respect of all who have been in contact with her". Such a course would "surely... have been better" for Head. Likewise, the transactions connected with the double shuffle contained "much to regret" and "we should have been better pleased to have seen the Governor-General refuse to take any part in it". As for Macdonald and his colleagues, the successes obtained by such means "are seldom durable", *The Times* predicted superciliously if inaccurately.⁸⁷

Head was eager to establish to his superiors and to the British public that he had the support of the majority in Canada. In January 1859 he forwarded to the Colonial Office a number of addresses that had been presented to him expressing approval of his conduct.⁸⁸ He wrote privately to Merivale a short time later. "The whole matter of Brown's Government has been debated over and over again", he reported, but "I am none the worse for what has passed". He still worried that he might be attacked in the British parliament and enclosed one of Macdonald's speeches on the affair so that Lytton could use it to defend him if necessary.⁸⁹

For over a year Head bore the brunt of what one contemporary called “persistent attacks more vile than I ever remember being directed against a public man in this country”.⁹⁰ The attacks continued despite Head’s devastating loss of his only son, John, who drowned in September 1859 while swimming in the St. Maurice River. “It is painful to witness”, an observer remarked with ill-disguised indignation, “that, at a time like this, when all men, whose natures political rancour has not blunted, tender their liveliest sympathy with their Excellencies in their great loss, the *Globe* still pours out its slanders”.⁹¹

Historical reactions to the political events of the summer of 1858, and Head’s role in them, were—as might be expected—mixed. Liberal politician Richard Cartwright described the episode in his memoirs and portrayed Head as misguided, and completely under the spell of Macdonald. Macdonald, he maintained, “succeeded in inducing Sir Edmund Head... to refuse to grant Mr. Brown a dissolution and to recall Sir John, himself, to office”. Cartwright further claimed that he had heard reports that the episode “cost Sir Edmund Head the peerage which he would otherwise have received on ceasing to be Governor-General”.⁹² Joseph Pope, Macdonald’s private secretary, defended the governor general, and was especially adamant that Macdonald and Head had no communication from the time of the resignation of the Liberal-Conservative administration. Insinuations to the contrary were “utterly baseless”, he insisted. “Sir Edmund Head was a statesman, a scholar, and a man of the world. But, before all things, he was an English gentleman, and all that the word implies.” Head’s only thought, Pope maintained, was to do his duty independently.⁹³ Another contemporary observer, James Young, a Liberal, avowed that “Sir Edmund Head was by no means popular”. Nevertheless, he dismissed reports that Head was involved in any organized plot, attributing such stories to “party and sectional bitterness”.⁹⁴ Goldwin Smith was not directly critical of Head’s constitutional position; “supposing that he still held the prerogative of dissolution, it would seem that he did right”, he allowed. He did marvel at the brazenness of the “double shuffle”, remarking that “nothing smarter was ever done by any Yankee politician”.⁹⁵

The passage of time has not rendered a clear verdict either. J.L. Morison called the “double shuffle” the “most notorious breach of the constitutional

decencies". "Whatever apologists may say", he insisted, "John A. Macdonald sinned in the very first essentials of political fair-play". Head, Morison found, acted with great independence in refusing Brown a dissolution. "But," he added, "even if Head were independent, it was not with an authority useful to the dignity of his position; and the whole affair has a suspicious resemblance to one of John A. Macdonald's tricks. The voice is Macdonald's voice, if the hands are the hands of Head."⁹⁶ O.D. Skelton defended Head's actions, noting that he did not exceed his constitutional powers, yet entertained a suspicion that Head "was actuated by a strong partiality for Macdonald, with whom he was on terms of intimate personal friendship, and by a strong prejudice against Brown".⁹⁷ W.P.M. Kennedy acknowledged that Head's actions were interpreted as "a party trick engineered by John A. Macdonald" but maintained that the governor general "acted in a strictly constitutional way, nor yet did he lower the dignity of his office".⁹⁸ Eugene Forsey also supported the constitutionality of Head's refusal of a dissolution to George Brown. The introduction of responsible government in no way eliminated the power of dissolution held by the governor general, he properly asserted. Head's actions had nothing to do with imperial control.⁹⁹ J.M.S. Careless described the "double shuffle" as a "half unscrupulous, half ludicrous episode" having "the proper air of midnight intrigue". The governor general, he wrote, "was a necessary partner to these proceedings.... The contrast in Head's treatment of Brown and his cabinet and Macdonald and his colleagues could scarcely have been more acute."¹⁰⁰ Ged Martin allowed that the double shuffle was a "squalid episode" but added that it "does not merit all the indignation which some historians have poured upon it"; other parliamentary machinations throughout the twentieth century have been equally blatant.¹⁰¹ David Knight claimed that Head refused Brown and Dorion's advice to dissolve parliament "to their surprise and absolute dismay", ignoring the fact that they were warned in writing three days previously that the governor would not necessarily accept advice to dissolve. "Why", Knight asked, "did the Governor-General not call a general election? A short answer is that he felt personally slighted by the Assembly's rejection of Ottawa, the place he had so strongly and carefully recommended."¹⁰² There is no doubt that the Assembly's vote put Head in an embarrassing predicament. But this consideration was surely secondary to the more

immediate problem of finding a set of ministers who could hope to garner sufficient support in the House. There is also strong evidence that Head preferred Macdonald over Brown as his advisor on personal grounds. Yet this does not mean that this was the basis for the governor general's decision. Macdonald and Cartier could command a majority; Brown and Dorion could not. The fact that Head did not prevent the double shuffle does not mean that he personally approved of it, any more than Elgin approved of the Rebellion Losses Bill. It simply meant that he did not see clear grounds to act in opposition to the expressed will of a parliamentary majority. It is instructive to cite the complaint of a governor of New South Wales, William Denison, that under responsible government "one sees much going on which is most objectionable, yet one is powerless either to do good or to prevent evil."¹⁰³

The tumultuous events of the summer of 1858 ended with virtually the same administration in power as before and all of the same problems of representation unresolved. Yet the crisis may have added urgency to the idea of federation, a notion that the Cartier-Macdonald ministry adopted as a policy aim. Within days of swearing in the new administration, Head busied himself drafting a series of resolutions advocating a British North American federation.¹⁰⁴ When he closed the session of parliament soon afterwards, Head alluded to this objective. "I propose in the course of the recess", he announced, "to communicate with Her Majesty's Government and with the Governments of our sister Colonies" to discuss a matter of very great importance: "the principles on which a bond of a federal character uniting the Provinces of British North America may hereafter be practicable".¹⁰⁵ The idea of federation was not a sudden one; while governor of New Brunswick, Head had drafted a memorandum for Newcastle on the subject.¹⁰⁶ He had similarly communicated with Labouchere about it in 1857 and, according to Herman Merivale, was "particularly requested... to take it in hand".¹⁰⁷ Head's recent experience of political turmoil in the united Canadas would only have fortified his conviction about the need for a change.

His chief at the Colonial Office was not perhaps as forward looking as some of his predecessors had been, and Head's remarks on the desirability of federation did not fall on particularly fertile ground. Lytton, in fact, saw Head's apparently impulsive announcement on federation as further evidence of the governor's

indiscretion, especially in the light of criticism reaching Britain over the late ministerial crisis. Head's speech had caused the "gravest displeasure", Lytton stated in a departmental minute. Moreover, "I have great doubts of his conduct throughout the recent transactions".¹⁰⁸ The official response, however, was much more muted. While the constitutionality of the governor general's conduct was not questioned, the Colonial Office politely threw cold water on the federation scheme. The imperial government would receive any representations from the province with "the greatest attention", but as the question was "necessarily one of Imperial character", it properly belonged to the "Executive authority of the Empire, and not that of any separate province, to initiate".¹⁰⁹ Head, unaware of Lytton's behind-the-scenes misgivings about his own conduct, responded that "I rejoice to find that the course pursued by me appears to Her Majesty's Government to have been in accordance with constitutional principles". As to his federation announcement, he readily concurred that it is "only by the permission and authority of Her Majesty's Government that the subject can be considered and dealt with". He had, the governor protested mildly, "merely announced my intention of opening a correspondence... in order to indicate the direction in which we were about to seek escape from some of the difficulties pressing on the Government of Canada".¹¹⁰ Lytton's qualms were not instantly resolved, however. After having given general approval to the course taken by Head in the ministerial crisis, he found that a closer reading of events left him more unsettled. "The reference to the non vacancy of cabinet [?] seats in Sir E. Head's despatch is so vague that it might well escape my attention", he complained in an internal departmental minute, suggesting that it did in fact escape his attention. He allowed that in this instance Head acted according to advice, and that the responsibility therefore shifted to the ministers, but he reserved judgment on this aspect of the affair. "I hold myself open to examine into [?] that point when Sir E. Head's answer arrives[?]."¹¹¹

Fortunately for Head, the anticipated questions in the British parliament never materialised. If they had, it is unlikely that he could have counted on much support from his superiors at the Colonial Office. Early in 1859, Head observed ruefully that the *Economist* "has lately had a long article against me with reference to the affairs of last summer".¹¹² *The Times*, of course, had already made its opprobrium clear.

Lewis assured his friend that he expected no questions to be taken up in parliament, unless there was any noticeable disturbance in Canada. Later that spring, he still was able to report that all was quiet. "It is clear that the public opinion of the Province has acquiesced in the course which you took at the change of Government. Not a word has been said on the subject in the House of Commons since its meeting, and as far as England is concerned the matter is concluded, unless it should be revived from your side [of] the water."¹¹³ A flurry of petitions, indignant letters to the editor, and blistering broadsides from the *Globe* notwithstanding, Head survived the incident intact. He reported jauntily to Lewis that the debate over the ministerial changes "has not damaged or annoyed me at all—on the contrary I am satisfied that the opinion of the [country?] is strongly in my favour".¹¹⁴ His words had a slightly hollow ring, however; Head would hardly have been human to be untouched by the storm of abuse he endured at the hands of a vocal minority.

Three years after the event, Head could not resist justifying what he admitted to be the "questionable character of the steps which I took myself in 1858". In July 1861 he reported to Newcastle, the colonial secretary, on the electoral rout of Brown and his colleagues, and the success of his previous Conservative administration. "The result is pretty much what I indicated", he remarked with satisfaction. "I do not want to go back to old stories but I think I may point out to your Grace that the real justification of the course pursued by me in 1858, is to be found in the results". He reminded Newcastle that the outgoing parliament had carried on for three more sessions "quietly and peaceably", and was only dissolved after completing the full legal term, "which I believe has not been the case with any other Parliament since the union". He further pointed out that the late election gave the Conservative administration an even stronger mandate, "confirming in fact the justice of my impression as to the real wish of the people".¹¹⁵ Despite this satisfactory resolution, Head had not given up the idea that some constitutional change was imminent. "The next Governor here", he predicted to the colonial secretary in a later letter, "will have to deal with the question of Representation with reference to the increase in the population of Upper Canada—I think the matter will be settled amicably at last but it will probably cost some two or three ministers their (official) lives before it is done with."¹¹⁶

Head's words were prophetic. His successor, Lord Monck, would oversee the important and delicate process of confederating the British North American provinces. The question of representation could be delayed no longer. Monck too would be forced into an active role, helping to mould together coalitions in an unstable political climate. Perhaps his more genial and down-to-earth personality made him better suited to such a role than the cerebral and superior Head. Yet Head acted properly, and in the best interest of the colony. He did not refuse ministerial advice because he wished to interfere with the operation of responsible government, but rather because the ministry tendering the advice never had the support of the Assembly. It was Head's misfortune that the political climate of the 1850s, coupled with the unwieldy constitutional legacy of the Act of Union, put the governor general in an acutely difficult situation. Bagehot's ideal of a constitutional monarch who is "aloof and solitary", who "seems to order, but... never... to struggle", who is never contentious, and is of no party, was impossible for a governor in the United Canadas. The "apparent separation from business" of the crown "is that which removes it both from enmities and from desecration [and]... preserves its mystery", Bagehot explained.¹¹⁷ But until one of the touted constitutional remedies for Canada's representational stalemate was adopted, the governor general would by necessity be hip-deep in the mire of active politics. His retreat to a distant ceremonial role would have to wait.

¹ D.G.G. Kerr, *Sir Edmund Head*, 3. Also useful for background on Head is James A. Gibson's article, "Head, Sir Edmund Walker" in *DCB*, IX, 381-386, and, in more depth, James A. Gibson, "Life of Head". I am very grateful to Professor Gibson for the opportunity to meet with him to discuss his work. See also *DNB*, IX, 323-4.

² James A. Gibson, "Life of Head", 1.

³ *Ibid.*, 24. See also Henry J. Morgan, *Sketches of Celebrated Canadians and Persons Connected with Canada* (Quebec: Hunter, Rose & Co., 1862), 551, and J.C. Dent, *Canadian Portrait Gallery*, IV, 158.

⁴ Henry J. Morgan, *Sketches of Celebrated Canadians*, 551.

⁵ Ged Martin, *Britain and the Origins of Canadian Confederation, 1837-67* (London: Macmillan, 1995). Chapter 6. See also D.G.G. Kerr, *Sir Edmund Head*, 195-6.

⁶ D.G.G. Kerr, *Sir Edmund Head*, 16, 11.

⁷ Henry J. Morgan, *Sketches of Celebrated Canadians*, 552.

⁸ Gilbert Frankland Lewis, ed. *Letters of the Right Hon. Sir George Cornwall Lewis, Bart. To Various Friends* (London: Longmans, Green & Co., 1870). Lewis to Head, 14 November 1832, 20.

⁹ *Ibid.*, Lewis to Head, 4 January 1840, 110.

¹⁰ *Ibid.*, Lewis to Head, 3 April 1837, 74.

¹¹ *Ibid.*, Lewis to Head, 14 November 1832, 23.

¹² *Ibid.*, Lewis to Head, 10 January 1837, 72.

¹³ *Ibid.*, Lewis to Head, 8 April 1837, 77, and 2 June, 1837, 80.

¹⁴ *Ibid.*, Head to Lewis, 27 April 1837, 79.

¹⁵ *Ibid.*, Lewis to Head, 31 July 1837, 83.

¹⁶ *Ibid.* Lewis to Head, 5 January 1848, 166.

¹⁷ *Ibid.*, Lewis to Head, 25 January 1850, 221.

¹⁸ *Ibid.*, Lewis to his father, 13 December 1837, 94. Lewis's own literary offerings included *An Essay on the Origin and Formation of the Romance Languages* (1835), *An Essay on the Government of Dependencies* (1841), *Essay on Authority in Matters of Opinion* (1848), *Essays on the Administrations of Great Britain from 1783 to 1830* (1864), which was edited by Head, and works on Greek and Roman history. These works are slightly less well known today than those of Dickens. Edmund Head's works include an article on "The Law of Settlement" in the *Edinburgh Review*, a pamphlet on the Bodleian Library (1833), a translation of F.T. Kugler's *Handbook of Painting of the German, Dutch, Spanish, and French School* (1846), essays in the *Philological Museum* and the *Classical Museum*, and a 1856 grammatical essay entitled *Shall and Will: Two Chapters on Future Auxiliary Verbs* (1856). See "Head, Sir Edmund Walker" in *DNB*, IX, 323-4. See also D.G.G. Kerr, *Sir Edmund Head*, 247, for a complete list of Head's literary works.

¹⁹ *Lewis Letters*, Lewis to Head, 3 October 1837, 90.

²⁰ *Ibid.*, Lewis to Head, 28 September 1847, 157.

²¹ *Ibid.*, Lewis to Grote, 5 November 1847, 160.

²² *Ibid.*, Lewis to Head, 21 September 1854, 284.

²³ James A. Gibson, "Life of Head", 20.

²⁴ As quoted in D.G.G. Kerr, *Sir Edmund Head*, 16.

²⁵ Henry Taylor, *Autobiography of Henry Taylor 1800-1875*, 2 vols. (London: Longmans, Green & Co, 1885), I, 312.

²⁶ D.G.G. Kerr, *Sir Edmund Head*, 208. See also E.W. Watkin, *Canada and the States: Recollections 1851 to 1886* (London: Ward, Lock & Co, 1887), 502.

²⁷ As quoted in James Gibson, "Life of Head", 246.

²⁸ G.W. Martin, "Britain and the Future of British North America, 1837-1867", Ph.D. thesis, Cambridge University, 1972, 183.

²⁹ *Halifax Sun*, 29 March 1848, as quoted in D.G.G. Kerr, *Sir Edmund Head*, 27.

³⁰ E. W. Watkin, *Canada and the States*, 502.

³¹ J. C. Dent, *Canadian Portrait Gallery*, IV, 159.

³² E.W. Watkin, *Canada and the States*, 502. Ged Martin has remarked that Head tended to treat colonial politicians like "erring undergraduates". G.W. Martin, "Britain and the Future of British North America", 182.

³³ NAC, Elgin Papers, A 398, Head to Elgin, 8 September 1852.

³⁴ NAC, Sir Edmund Head Papers, M 194, Head to Lewis, 2 July 1849.

³⁵ J.C. Dent, *The Last Forty Years: Canada Since the Union of 1841*. 2 vols. (Toronto, 1881) II, 417.

³⁶ James Young, *Public Men and Public Life*, I, 120.

³⁷ *Ibid.*, 166-7.

³⁸ *Ibid.*, 146. McGee had been in the forefront of the bitter opposition to the political machinations that had kept the Liberals from office in 1858. See W.L. Morton, *The Critical Years: The Union of British North America, 1857-1873* (Toronto: McClelland & Stewart, 1964), 18.

³⁹ As quoted in D.G.G. Kerr, *Sir Edmund Head*, 212.

⁴⁰ James Young, *Public Men and Public Life*, I, 148-9.

⁴¹ *Lewis Letters*, Head to Lewis, 27 April 1837, 79.

⁴² James Gibson, "Life of Head", 34.

⁴³ NAC, Head Papers, M 194, Head to Lewis, 31 March 1851.

⁴⁴ James Young, *Public Men and Public Life*, I, 167.

⁴⁵ Edmund Head's address at Hamilton, 12 October, 1855, as quoted in James Gibson, "Life of Head", 259.

⁴⁶ William Dawson, *Fifty Years of Work in Canada* (London: Ballantyne, Hanson & Co., 1901), 96-7, 116.

⁴⁷ See, for example, *Lewis Letters*, Lewis to Head, 20 January 1859, 364-65.

⁴⁸ G.W. Martin, "Britain and the Future of British North America", 184.

⁴⁹ James Gibson, "Life of Head", 134-51.

⁵⁰ D.G.G. Kerr, *Sir Edmund Head*, 161-2. Head had the opportunity to discuss such ideas with Robert Lowe, then vice-president of the Board of Trade under Palmerston, when Lowe visited Canada in 1856. Lowe found Head to be one of the few people who was really knowledgeable and honest about

political problems in Canada. Lowe encouraged Head to submit a summary of his ideas on federation to the Colonial Office, but Lowe himself remained opposed to such a remedy for Canada's constitutional ills. During the visit, Lowe also concurred with Head's ideas about placing Canada's seat of government somewhere other than in one of the established cities, only to publicly ridicule the ultimate choice of Ottawa in an article in *The Times*. James Winter, *Robert Lowe* (Toronto: University of Toronto Press, 1976), 116-121.

⁵¹ D.G.G. Kerr, *Sir Edmund Head*, 234-5.

⁵² Arthur Berriedale Keith, *Responsible Government*, I, 159.

⁵³ The census of 1851-2 revealed that the population of Canada West was 952,000 as compared to 890,000 in Canada East. Moreover, the population of the western portion of the province was steadily growing due to immigration. See J.M.S. Careless, *The Union of the Canadas*, 182.

⁵⁴ W.L. Morton, *The Critical Years*, 12.

⁵⁵ David Knight, *Choosing Canada's Capital: Conflict Resolution in a Parliamentary System* (Ottawa: Carleton University Press, 1991), 162-3. For an overview of the ministerial crisis of 1856 see J.M.S. Careless, *The Union of the Canadas*, 200-202; Donald Creighton, *John A. Macdonald*, I, 235-7; D.G.G. Kerr, *Sir Edmund Head*, 148-150; James Young, *Public Men and Public Life*, I, 95-101.

⁵⁶ NAC, Head Papers, M 194, Head to Lewis, private, 9 June 1856. Head made his view of the principle of "double majority" plain in a memorandum to his administration, which was shared with the House. "His Excellency desires it to be understood by the whole Council that he considers the mere fact of an adverse vote of one section of the province, whether Upper or Lower Canada, as no constitutional reason for resigning office. What His Excellency looks to, is the confidence or want of confidence in a ministry, of the Legislative Assembly as a whole, representing the people of the united province of Canada." Memorandum by Sir Edmund Head, [?] May 1856, printed in Joseph Pope, *Memoirs of the Right Honourable Sir John Alexander Macdonald* (Ottawa: J. Durie & Son, 1894), I, Appendix II.

⁵⁷ NAC, Head Papers, M 194, Head to Lewis, private, 9 June 1856.

⁵⁸ John A. Macdonald, as quoted in J.M.S. Careless, *Brown of the Globe* (Toronto: Macmillan, 1959), I, 261.

⁵⁹ NAC, Colonial Office Correspondence, CO 42/614, B 230, Head to E. Bulwer Lytton, despatch 102, 9 August 1858, Enclosure, *Toronto Daily Atlas*, 6 August 1858.

⁶⁰ NAC, CO 42/614, B 229, Head to Sir E. Bulwer Lytton, despatch 97, 31 July 1858.

⁶¹ James Young, *Public Men and Public Life*, I, 115-116.

⁶² NAC, CO 42/614, B 230, Head to Sir E. Bulwer Lytton, despatch 102, 9 August 1858, Enclosure, Head to George Brown, 31 July 1858. This and other related correspondence is also printed in Joseph Pope, *Memoirs of Macdonald*, Appendix III, and Alpheus Todd, *Parliamentary Government*, 762-69.

⁶³ J.M.S. Careless, *Brown of the Globe*, I, 268.

⁶⁴ NAC, CO 42/614, B 230, Head to E. Bulwer Lytton, despatch 102, 9 August 1858.

⁶⁵ *Ibid.*, Enclosure Brown to Head, 3 August 1858.

⁶⁶ *Ibid.*, Enclosure, Head to Brown, 4 August 1858.

⁶⁷ NAC, Head Papers, M 194, Head to Lewis, private, 9 August 1858.

⁶⁸ James Gibson, "Life of Head", 171.

⁶⁹ O.D. Skelton, *Life and Times of Sir Alexander Tilloch Galt* (Toronto: McClelland & Stewart, 1966), 90-91.

⁷⁰ Donald Creighton, *John A. Macdonald*, I, 268.

⁷¹ NAC, Head Papers, M 194, Head to Lewis, private, 9 August 1858.

⁷² *Lewis Letters*, Lewis to Head, private, 22 September 1858, 348-9.

⁷³ NAC, CO 42/614, B 230, Head to E. Bulwer Lytton, despatch 102, 9 August 1858.

⁷⁴ NAC, CO 42/614, B 230, Head to E. Bulwer Lytton, despatch 102, 9 August 1858, Enclosure, *Toronto Daily Atlas*, 6 August 1858.

⁷⁵ John A. Macdonald, as quoted in William Leggo, *Administration of Dufferin*, 688.

⁷⁶ *Globe*, 6 August 1858.

⁷⁷ *Ibid.*

⁷⁸ *Globe*, 12 August 1858.

⁷⁹ Joseph Pope, *Memoirs of Macdonald*, I, 203.

⁸⁰ Joseph Schull, *Edward Blake: The Man of the Other Way* (Toronto: Macmillan, 1975), 17. See chapter 7 below for a detailed account of Edward Blake's efforts to draft permanent letters patent and

instructions for the governor general. These new instruments, adopted in 1878, sought to set the limits of the viceregal role more clearly.

⁸¹ J.M.S. Careless, *Brown of the Globe*, I, 289.

⁸² NAC, Head Papers, M 194, Head to Lewis, private, 2 January 1859.

⁸³ NAC, CO 42/614, B 230, Head to E. Bulwer Lytton, despatch 102, 9 August 1858, minute by Arthur Blackwood, 30 August 1858.

⁸⁴ *Ibid.*, minute by Herman Merivale, 31 August 1858.

⁸⁵ *Ibid.*, minute by Carnarvon, 1[?] September 1858.

⁸⁶ NAC, CO 42/614, B 229, E. Bulwer Lytton to Head, despatch 55, 10 September 1858.

⁸⁷ *The Times*, 15 September 1858.

⁸⁸ NAC, CO 42/617, B 442, Head to E. Bulwer Lytton, despatch 12, 24 January 1859.

⁸⁹ NAC, CO 42/617, B 442, Head to Merivale, private, 12 February 1859.

⁹⁰ R. Spence to Macdonald, 14 October 1859, as quoted in Joseph Pope, *Memoirs of Macdonald*, I, 218.

⁹¹ *Ibid.*

⁹² Richard Cartwright, *Reminiscences* (Toronto: William Briggs, 1912), 11.

⁹³ Joseph Pope, *Memoirs of Macdonald*, I, 196.

⁹⁴ James Young, *Public Men and Public Life*, I, 120.

⁹⁵ Goldwin Smith, *Canada and the Canadian Question*, 109.

⁹⁶ J.L. Morison, *British Supremacy and Canadian Self-Government*, 318, 324.

⁹⁷ O.D. Skelton, *Life and Times of Galt*, 90.

⁹⁸ W.P.M. Kennedy, *The Constitution of Canada*, 270.

⁹⁹ Eugene A. Forsey, *The Royal Power of Dissolution*, 66-67.

¹⁰⁰ J.M.S. Careless, *Brown of the Globe*, I, 278.

¹⁰¹ Ged Martin, *Britain and the Origins of Canadian Confederation*, 17, 36.

¹⁰² David Knight, *Choosing Canada's Capital*, 289.

¹⁰³ William Denison, as quoted in John W. Cell, *British Colonial Administration*, 56.

¹⁰⁴ James Gibson, "Life of Head", 181-2.

¹⁰⁵ NAC, CO 42/615, B 230, Governor General's Address to the Legislative Assembly and Legislative Council, enclosed in Head to Lieutenant Governors of Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland, 10 September 1858.

¹⁰⁶ Ged Martin, *Britain and the Origins of Canadian Confederation*, 94-5.

¹⁰⁷ NAC, CO 42/614, B 230, minute by Herman Merivale, 31 August 1858 on Head to E. Bulwer Lytton, despatch 108, 26 August 1858. See also James Gibson, "Life of Head", 134-153; D.G.G. Kerr, *Sir Edmund Head*, 194-198; and G. W. Martin, "Britain and the Future of British North America", 201-2.

¹⁰⁸ NAC, CO 42/614, B 230, Minute by E. Bulwer Lytton on Head to E. Bulwer Lytton, despatch 108, 26 August 1858.

¹⁰⁹ NAC, CO 42/614, B 229, E. Bulwer Lytton to Head, despatch 55, 10 September 1858.

¹¹⁰ NAC, CO 42/615, B 230, Head to E. Bulwer Lytton, despatch, 27 September 1858.

¹¹¹ NAC, CO 42/615, B 230, Minute by E. Bulwer Lytton, 23 October 1858 on Head to E. Bulwer Lytton, despatch 27 September 1858.

¹¹² NAC, Head Papers, M 194, Head to Lewis, private, 2 January 1859.

¹¹³ *Lewis Letters*, Lewis to Head, private, 20 January 1859, 362; and 9 April 1859, 368.

¹¹⁴ NAC, Head Papers, M 194, Head to Lewis, private, 12 February 1859.

¹¹⁵ University of Nottingham, Newcastle Papers, NeC 11,369, Head to Newcastle, private, 19 July 1861.

¹¹⁶ Newcastle Papers, NeC 11,370 Head to Newcastle, private, 1 August 1861.

¹¹⁷ Walter Bagehot, *The English Constitution*, 90.

“My last card in that suit”: Monck as Political Mediator,
1861-1864

When Lord Monck arrived in Canada in November 1861 to take up the only overseas appointment of his career, he was immediately bombarded with problems that would have tested the most experienced of governors. The *Trent* affair erupted when he had been in Canada scarcely two weeks.¹ The violation of British neutrality represented by the incident raised the spectre of war with the United States, with Britain's North American colonies the likely battleground. Britain hurriedly dispatched some 14,000 troops across the Atlantic, but the crisis pointed up the deficiencies of defence planning in British North America. Only some of the transport vessels were able to make their way up the St Lawrence before the winter freeze; the others were only able to go as far as St John, far from the terminus of the Grand Trunk Railway in Rivière du Loup, and the soldiers had to travel hundreds of miles overland through the snow.² Monck, who had no military background, suddenly found himself preoccupied with defence questions.³ The governor general was commander in chief, but Monck recognised that, even though his instructions contained “no more allusion to an executive council or responsible government than if I were autocrat of Russia”, his responsible advisors would have to be persuaded, not commanded, to take proper defence measures.⁴

Canadian domestic politics were likewise unstable. Sir Edmund Head's bold initiative in favour of federation of the British North American provinces in 1858 had not received a sympathetic hearing from the Colonial Office, and all of the difficulties inherent in the Union of 1840 remained unsolved.⁵ Principles of responsible government notwithstanding, Monck was compelled to intervene directly in the process of cobbling together administrations from the disparate elements that made up Canadian politics. He claimed that the coalition of 1864 was “at least in some measure—brought about by the exercise... of the personal influence of the Governor General”. In using his influence, Monck accepted that he was “in some measure overstep[ping]... the strict line of his constitutional duties”.⁶ The activist role Monck assumed up to 1864 set the tone for a high degree of involvement, and

his success perhaps encouraged him to take an active role in promoting Confederation. While Monck's inexperience might have seemed a liability when he took on the governor generalship, his character suited him for the role in many respects. Thick-skinned, frank and manly, Monck was also possessed of an agreeable nature and pragmatic flexibility which made him far more successful than the exacting and sometimes irritable Head. Head's intervention won him enemies without gaining friends; Monck, by contrast, remained on relatively good terms with Canadian politicians despite very trying circumstances.⁷ Donald Creighton acknowledged that Monck was "not an original or profound political philosopher" but credited him with "a clear eye for facts and a readiness to learn from experience".⁸ Monck recognised when the occasion would demand a departure from a narrow interpretation of his role, and expanded his influence with tact and impartiality. Significantly for the future of Canada, Monck's activism in bringing together political antagonists set the stage for the negotiations that resulted in Confederation. It is questionable whether Monck was so far-sighted as to visualise this process of reconciliation as the first step in a permanent solution to the constitutional impasse of the Act of Union. More probably, he simply sought to find a means of reconstituting the party affiliations that had stood in the way of stable and effective government. Such activism on the part of a governor general in a self-governing colony might well be expected to provoke censure. In this instance, however, Monck's gamble succeeded, and his informal suasion was a key factor in resolving what he called the "condition of chronic crisis" that characterised Canadian politics⁹ and promoting an atmosphere in which solutions could be found.

The family name of Charles Stanley Monck, fourth Viscount Monck in the Irish peerage, reportedly originated with the Norman French LeMoyne. With Monck's appointment to Canada, *Le Canadien* remarked on the coincidence of having a descendant of that family serve as governor during both the French and British regime. Charles Le Moyne, later Baron of Longueil, had been the King's lieutenant in Canada in the seventeenth century. Perhaps, *Le Canadien* speculated, Monck was "intended to be the *trait d'union*, the social link to connect the various provinces of British North America in a compact confederacy".¹⁰ Born 10 October

1819 in Templemore, Ireland, educated at Trinity College, Dublin, and qualified as a barrister, Monck succeeded his father as fourth viscount in 1849. He was elected Liberal MP for Portsmouth in 1852. He held the very junior appointment of a lord of the treasury in Palmerston's government between 1855 and 1858, but was defeated in the following election. On the basis of these rather slender credentials, Palmerston appointed Monck to Canada.¹¹ The reaction of most Canadians to the appointment, according to the Quebec *Morning Chronicle*, was "who is he?"¹² Monck was known to be a protégé of Palmerston but some had reservations about his ability to handle the job. According to Edward Watkin, Monck was a "jolly wellbred Irishman and nothing more."¹³ Robert Lowe described him as "an innocent lamb", and remarked that the appointment was like "sending a cat into Hell without claws".¹⁴ Newcastle assured Sir Edmund Head that his successor's geniality was "almost the only part of the Irish character he shows".¹⁵ It has been suggested that Newcastle, who considered himself an expert on Canada based on a visit with the Prince of Wales in 1860, believed that the Colonial Office could direct Canadian affairs from a backseat and that the inexperienced Monck would be malleable.¹⁶ There is no question that, in addition to Palmerston, Monck had influential friends. These included J.T. Delane of *The Times*; Edward Cardwell, who succeeded Newcastle as colonial secretary in 1864; Abraham Hayward of the *Saturday Review*; prominent MP Edward Ellice, whose Hudson's Bay Company background and knowledge of Canada were much valued; and Charles Adderley (later Lord Norton), undersecretary for the colonies in 1866-67. Notwithstanding these connections, Monck's appointment may have appeared surprising given that he had no military experience. The recent outbreak of the American Civil War threatened to complicate British-American relations, and it might have been expected that the Colonial Office would appoint someone able to assess Canada's military preparedness with confidence.

Monck was physically an unremarkable man. Just turned forty-two at the time of his Canadian appointment, he enjoyed good health and was fond of outdoor pursuits. Monck was of medium height and build. His eyes were large and deep set, his hairline receded from a wide forehead, and a long flowing beard streaked with grey and luxuriant curled moustache dominated his pleasant, open features.

Monck differed from other viceregal appointees in one important respect: he did not share the cosmopolitan background of many of the others, and was firmly rooted in his family seat of Charleville in County Wicklow. While Oxford was the most frequent source of imperial viceroys, Monck's education was exclusively Irish. Canada was his first and last overseas appointment. As a mark of his Canadian service, Monck was raised to the United Kingdom peerage as the first Baron Monck of Ballytrammon in the county of Wexford in July 1866,¹⁷ was made GCMG in June 1869, and was called to the Privy Council in August of that year, yet he never again held a major office. When he returned to Ireland, Monck was appointed member of the Church Temporalities and National Education Commissions, from 1882 to 1884 served as commissioner of the new Irish Land Act, and from 1874 to 1892 was lord-lieutenant of County Dublin. He retired to his Irish estate with the death of his wife in 1892, and died there himself in November 1894, aged seventy-five.¹⁸

It is evident that the Monck family felt the strain of being removed from their beloved home in Ireland. Despite the long periods of separation necessitated by his Canadian appointment, Monck was thoroughly a family man. Indeed, his devotion to family is also exhibited in his choice of marriage partner: Elizabeth Louise Mary Monck was his first cousin.¹⁹ Monck's brother Richard copied his example by marrying Frances Elizabeth Owen Cole, the daughter of Lady Monck's elder sister, and his own cousin.²⁰

Surviving correspondence and journals of the Monck family suggest a close and loving bond among the wide circle of relations and immediate family group. Monck and his wife had seven children, although only two sons and two daughters survived.²¹ Fond family nicknames abounded, and the Moncks were clearly indulgent parents. Monck reassured his eldest son that it was no use crying over spilt milk when Henry failed to pass his examination at Oxford.²² He later assured his "own darling boy" that "you need not be afraid that I shall be annoyed with you if you do not succeed, as I am sure you are doing your best—and *no man* can do more than that."²³ Five-year-old Stanley was reportedly an *enfant terrible*, allowed to freely mingle with company.²⁴

The residences of the governor general, both Spencer Wood in Quebec and later Rideau Hall in Ottawa, seem to have been transformed by the Moncks into

menageries crowded with family pets. Including those kept by the staff, the count numbered fifteen dogs, seven cats, various birds, and a tame owl. No doubt there was always new talent available for inclusion in the flea circus kept by Brock, the butler.²⁵ All the family kept horses to ride, and Monck, unlike some others, was pleased to discover that Ottawa had dirt roads: "as most of the roads are not macadamized ... you can ride as quickly as you like upon them," he enthused to Henry.²⁶ Monck's letters to his son frequently request information about the well-being of the horses at home, with particular inquiries after his favourites. At a Toronto cattle show, Monck described himself as "a practical farmer", and the evidence suggests that this description was not inaccurate. His letters contain admonitions about control of rats and repair of fences, along with other equally practical concerns.²⁷

Monck took a low profile socially, seldom entertained, and did not even keep a carriage and pair.²⁸ This was probably attributable, not to standoffishness, but to a dislike of ostentation. He was known to be easy-going and accessible.²⁹ The *Globe* observed that "our new Governor possesses the happy knack of placing those who meet him quite at their ease... His manners are very gracious and tactful.... He does not notice mistakes."³⁰ It is tempting to contrast his low-key approach with the energetic and extroverted Dufferin, who was loath to miss any social engagement, and was an enthusiastic dancer at balls. Monck, on the other hand, did not seem to regard his social duties as in any way pivotal to his position. "There is to be a Militia Ball here tonight", he wrote to his son Henry. "Dick & Feo are going but I fought shy of it".³¹ Excessive pomp and ceremony embarrassed him. He complained to a friend about his regal treatment while distributing prizes at a young ladies' school.

I was perched on a sort of throne with about three or four hundred people about me, and thus tied to the stake, had inflicted upon me by the authoress (a remarkably pretty girl, by the way) a poetic effusion in my own eulogy, in which I was apostrophized as 'proud Erin's peer.' I never felt so like a fool in my life.³²

Monck was a down-to-earth individual with a well-developed sense of the ridiculous. He was amused when his butler had "taken into his head to make the footmen wear powder" during the social functions that marked the first opening of the Dominion parliament.³³ He admitted that the band of the Rifle Brigade, which played for their

evening reception, “gratified our ears very much” but ruefully added that the same could not be said for their noses “as the *esprit de corps* was rather strong”.³⁴ When things were quiet in Ottawa, Monck apparently did not consider it his duty to enliven the scene, complaining privately that “the place is very stupid just now as there is nothing doing here”.³⁵ He tried to shirk speaking duties when possible, again in contrast to Dufferin, who erred in the other direction, holding forth sometimes for hours. Monck confessed to Henry that when presenting prizes at a rifle match “I did not want to make a long speech so, as I had had a sore throat, I made that the excuse”. He was embarrassed when the newspapers reported that “‘the state of my health’ prevented me from speaking, as if I had been seriously ill.”³⁶ He also grumbled when his administration gave him “a tremendously long speech to read” at the opening of parliament—in English *and* French of course: “[D]id I not wish ‘notre langue’ at the bottom of the sea” he exclaimed.³⁷

Though inexperienced, Monck’s personal qualities made him well suited to the viceregal position, constitutionally if not socially. Critics have labelled him “dull”, claiming that he “lacked style and imagination”, yet it is also acknowledged that he was respected for his patience, willingness to be helpful and spirit of impartiality.³⁸ He negotiated his way without any major crisis through a rather perilous era of Canadian history, overseeing the process of Confederation and avoiding entanglements with Canada’s warring neighbour. Robin Winks noted that Monck “had no particular qualifications” for the office of governor general “other than those that were least tangible but most important—energy, tact, and an immense capacity for patience”.³⁹ Monck’s secretary, Denis Godley, dubbed “the Almighty” by Canadians, irritated some by his insistence on controlling access to the governor general.⁴⁰ As Godley had decided views on colonial matters, and was known to be a supporter of Goldwin Smith, Monck was tarred with the same brush, and the governor’s popularity may have been damaged by association with anti-colonial views.⁴¹ John A. Macdonald reputedly found Monck’s calm, slow style to be an irritant⁴² yet has been quoted as saying that he was surprised by reports that Monck was unpopular:

I like him amazingly, and shall be very sorry when he leaves, as he has been a very prudent and efficient administrator of public affairs. Still, he seems not

to have the power of making friends, and there is a bitterness of feeling displayed towards him for which I was altogether unprepared.⁴³

Despite the understandable reservations about Monck's ability to do the job, and criticisms arising from his indifference to the social realm, his appointment must be counted a success.

In the spring of 1862 Monck was preoccupied with his struggle to induce his Canadian ministry to pass a satisfactory Militia Bill. The inadequacy of Canada's defences, brought sharply into focus with the *Trent* crisis of November 1861, made legislation for improvements to the militia a matter of some urgency. Years of indifference toward the militia, combined with a small population base, limited government revenues, and a long border to defend, meant that Canada's defences were far from adequate.⁴⁴ The British parliament was just coming to grips with the enormity of the expense incurred by the emergency reinforcement of British North American defences the previous autumn, and opinions were strong that Canada should bear a greater share of defence costs.⁴⁵ Canada created a defence portfolio for the first time late in 1861, and John A. Macdonald had been named Minister of Militia Affairs. A Commission on the Reorganization of the Militia, on which Macdonald had served, prepared a report that formed the basis of the 1862 Militia Bill. The Militia Bill called for a defence budget which would amount to one-tenth of provincial revenue, and raised the possibility of a direct tax and conscription. Cautious about political opposition, however, Macdonald described the bill as an "enabling bill", permitting, but not requiring, the government to put the commission's recommendations into effect.⁴⁶ When Monck opened the session of parliament in March he discovered with alarm that the Liberal-Conservative ministry headed by George-Etienne Cartier and John A. Macdonald did not have a wide margin of support. Their candidate for the speakership was carried by only thirteen votes, Monck noted to the Duke of Newcastle, who was then secretary of state for the colonies, "but they are very plucky and say they are going to pull through". For his part, Monck admitted that as long as they managed to pass the Militia Bill, he would be satisfied, "and as far as I can learn I do not think there will be any serious opposition to it".⁴⁷ The government also faced pressure over the representation by

population question, Monck advised the colonial secretary. This concerned Monck insofar as anything that endangered the ministry put the Militia Bill at risk. Disunity among the opposition prevented the defeat of the ministry over the representation by population issue, he noted, "but it is a subject, the importance of which is becoming every day more prominent". The representation question would have to be addressed if "the disparity in numbers between Upper & Lower Canada continues to increase in the ratio shown by the late census".⁴⁸ But for the moment, he remained optimistic that this was in the future, and, as for the Militia Bill, "I have very little doubt that I shall be able to get a satisfactory measure passed".⁴⁹ Monck's inexperience in Canadian politics may have made him overly complacent, but a number of factors unrelated to the Militia Bill itself thwarted its passage.

Monck unexpectedly was plunged into "the midst of a Ministerial crisis" the following month. Confessing himself "deeply mortified" at having to report the setback to Newcastle, Monck admitted that he had been "entirely unprepared" for the Assembly's rejection of a motion for a second reading of the Militia Bill. He surmised, however, that the "vote was intended more as one of want of confidence in the Government than of hostility to the Militia Bill". There had been very damaging revelations of financial wrongdoing the week before. Further, Macdonald had been in the grips of a prolonged drinking bout, and had been absent from the House for a week while the bill was under discussion.⁵⁰ Monck lamented the non-passage of the Militia Bill because of the probable impression that it would create in Britain and the United States,⁵¹ but was equally concerned about the domestic political consequences. The vote in the Assembly had been divided along ethnic lines, Monck explained to Newcastle, "so that the second reading was lost by the votes of the French Canadians who made such loud professions of loyalty (and I believe sincerely) last winter". This would give a great stimulus and excuse, he feared, for Upper Canadian claims for an increased share of political representation.⁵² Despite his short tenure in the province, Monck very cannily analysed the political scene. At least one subsequent historical observer agreed with him that the Militia Bill of 1862 was the occasion, rather than the cause, of the defeat of the Cartier-Macdonald government.⁵³

Monck's most immediate problem was the appointment of a ministry to succeed the defeated administration. Joseph Pope, Macdonald's secretary, believed that it was taken for granted that the governor general would call upon Michael Foley, nominal head of the opposition. Another contemporary observer, E.W. Watkin, agreed that "in the ordinary course" Foley would have been sent for. Instead, to the surprise of many, Monck selected John Sandfield Macdonald to form the new government.⁵⁴ J.L. Morison called Monck's selection of J. S. Macdonald "instead of Foley, the more natural alternative for premier", "the most conspicuous assertion of independence".⁵⁵ W.P.M. Kennedy echoed this, remarking that Sir Edmund Head's refusal of a dissolution to George Brown in 1858 and Monck's decision to call upon John Sandfield Macdonald in 1862 instead of "the more influential M.H. Foley" were "the nearest approach to independence" of action by a governor since the advent of responsible government.⁵⁶ Donald Creighton challenged this, asserting that "the portly and bibulous Foley did not stand out nearly so conspicuously as Brown had done from among his unfriendly associates, the other Reform leaders". It was possible, he argued, for Monck to ignore Foley, and he did so, probably under the advice of Cartier.⁵⁷ Bruce W. Hodgins agreed that Foley was not the inevitable choice. He also suggested that Foley's "ferocious drinking" reminded Monck of John A. Macdonald, whose drunkenness during the Militia Bill debates probably cost the government support for the measure. What is more, Hodgins pointed out, Monck would have been loath to select anyone as minister who played a role in the non-passage of the all-important Militia Bill. This meant that it was certain Louis Sicotte would not be called upon.⁵⁸ C.P. Stacey speculated that Monck probably believed that John Sandfield Macdonald would be more committed to the militia than Foley was; Foley had been an outspoken critic of the volunteer force.⁵⁹ The Liberal Alexander Mackenzie saw Monck's choice of Brown's rival as evidence of collusion between the governor general and the late Conservative ministry. He suspected that it was part of a larger scheme to bring the defeated ministry back as quickly as possible, as in the double shuffle four years earlier. Mackenzie believed that the two Macdonalds conspired to cover up the criminal conduct of the previous administration. "If ye dinna touch me, I'll no touch you' is manifestly the motto", the staunch Reformer concluded sourly.⁶⁰ Sandfield

Macdonald endorsed a “double majority” system for Canada’s united Assembly; measures would have to obtain a majority in both the Canada East and Canada West sections of the legislature. This constitutional compromise was more palatable to Canadian Conservatives than the more radical representation by population endorsed by Brown and other reformers. It was also demonstrably unworkable, and the Conservatives may well have expected to see any ministry built on such a principle founder in a very short time. “All sides believed”, Watkin recalled, “that it would be a ministry of a month”.⁶¹

Monck’s correspondence with the colonial secretary suggests that he saw no real alternative to a government led by Sandfield Macdonald. He admitted that his first instinct had been to refuse to accept the resignation of the Cartier-Macdonald government and call an election. When he considered further, however, he realised that an appeal to the country might ratify the vote of the Assembly, meaning the Militia Bill would be irretrievably lost. As it was, the Bill had not actually been defeated, only prevented from receiving a second reading.⁶² “The only alternative”, he concluded, that would mean “not interfering with the ordinary constitutional action” would be to allow “those who have outvoted the late Ministers to try their hands at administering public affairs”.⁶³ He did not specify why he chose Sandfield Macdonald particularly.⁶⁴ It certainly was not from any love of the principle of double majority that Sandfield Macdonald embraced. “I entertain for it as great a dislike as you could wish and entirely agree... that the tendency of adopting such a principle is retrogressive” Monck assured Newcastle. Neither did he attach any great significance to calls for “rep by pop” by other reform politicians. “It is true it is a hustings shibboleth all through U[pper] C[anada]. But so has been the Ballot and representation Reform for years in England”.⁶⁵ Monck let Newcastle know that he insisted to his new minister that immediate attention be given to the Grand Trunk Railway and the Militia. “He assented to both suggestions”, Monck reported, “and his ministry has been formed on the pledge to me that both these questions will be arranged before I shall be asked to prorogue”.⁶⁶

In any event, Monck’s decision to call upon Sandfield Macdonald was not based on any particular favouritism toward him or respect for his administrative abilities. “The new Ministers are a wretched lot!” Monck complained to his chief.

“Not one of them is capable of rising above the level of a parish politician, and they are led away by all the small jealousies and suspicions to which minds of that class are prone”.⁶⁷ In October 1862 Monck confided to his friend Edward Ellice that he was “almost in despair” about the ministry’s ineptitude in handling the province’s finances. While the Cartier-Macdonald administration was in some ways “jobbing and corrupt”, Galt—the previous finance minister—was an able man “and at all events understands what he is about”. The present ministers, while “more anxious to do what is right... have not amongst their administration ability enough to manage the affairs of a parish!” Monck cautioned Ellice to keep his remarks in strict confidence “as it would not render my position here... pleasant if my Ministers became aware of my real opinions of them”.⁶⁸ Shortly after this, Newcastle had met with Canadian delegates to discuss the Intercolonial Railway, and he proved to be no more impressed with their calibre than was Monck. “I do not form a very high opinion of Mr. Sicotte”, he admitted. Sicotte seemed determined to thwart the Intercolonial railway negotiations, he surmised, and he lamented the choice of such a negotiator “for business so greatly exceeding the grasp of his petty mind”. Further, William Howland, the finance minister, was prevented by his colleagues from saying a word.⁶⁹ While he had not met Sandfield Macdonald personally, Newcastle’s impression of him was that he was “a well meaning man without energy resource or firmness of purpose”.⁷⁰ Despite his own reservations, Newcastle admonished the governor general not to betray any sign of prejudice against his current ministry. He reported that “I have reason to know, though not from anything said by the Delegates, that they already think you less favourable to them than you were to their predecessors. Whatever they may do,” he cautioned, “pray do not allow them the smallest ground for saying they have not had fair play or that their fall (if they do fall) was either caused or hastened by any act of yours”. Any hint that the governor general showed favour to any political party, or did not have confidence in his ministers, would greatly prejudice Monck’s position in Canada, Newcastle warned. “I know how hard it is to appear to trust when no real confidence is felt,” he admitted, “but the Governor of a Constitutional Colony should endeavour to imitate the conduct in this respect of our good Queen” who never allowed any whisper that she was Sovereign of a party.⁷¹ Monck was quick to defend himself, ingenuously

protesting that "I am at a loss to discover on what grounds any portion of the present Ministry should suppose I am less favourable to them than I was to their predecessors". Only a few days ago, Monck pointed out, Sandfield Macdonald volunteered that he was grateful for the support the governor general had given him since he had been in office. While Monck allowed that he had never concealed it from his administration when his opinions differed from theirs, he had always done the same with the previous ministry.⁷²

Sandfield Macdonald's fragile ministry quickly suffered a series of setbacks. The resignation of the influential Antoine-Aimé Dorion from cabinet in January 1863 weakened the base of support. But even more threatening was the crisis that erupted over separate schools. R. W. Scott's Separate Schools Bill flew in the face of the convictions of many Upper Canadian reformers on non-sectarian education. The bill passed with broad support in Canada East but in the Canada West section of the legislature the measure was in a minority by nine votes. Faced with a major test of the defining principle of his administration, Sandfield Macdonald now became evasive about the applicability of the doctrine of double majority.⁷³

The defeat of the government early in May on a motion of no-confidence by John A. Macdonald came as a shock to no one. Newcastle's response was that "I cannot say I am either surprised or sorry". Indeed, he looked forward to the installation of "a Ministry more suited to the times and to cope with existing difficulties than that which has for a year been lagging behind the sounder views of the people and sacrificing its interests to the one miserable object of retaining their offices". He hoped that Monck would not feel obliged to grant a dissolution to Sandfield Macdonald. Frequent dissolutions were very mischievous, he warned, and the effect might be to "encumber you with a weak Gov[ernmen]t for a lengthened period". On the face of it, the Duke of Newcastle, an experienced and high-profile statesman, who occupied the highest echelons of the aristocracy, seemed to be setting the agenda for the inexperienced Monck.⁷⁴ Newcastle allowed, however, that "much must depend upon circumstances at the moment which can only be fully appreciated on the spot".⁷⁵

The addendum was fortunate, since Monck had already decided to pursue a different course. He accepted Sandfield Macdonald's advice to dissolve parliament.

To his friend Edward Ellice, Monck explained his reasoning. Interestingly, he looked backward into the term of Sir Edmund Head, and saw in it, not a precedent to be followed, but a perceived injustice to be countered. The party in power, he explained, never had the advantage of a dissolution. "There was a strong—though I am far from saying a *just*—feeling that they had not been fairly treated when that step was refused to them in 1858—I think on general principles", he continued, "Macdonald was entitled to his dissolution, and I am sure if on any technical grounds I had refused it, I would have found myself in such a position that I had much better have at once resigned my office".⁷⁶

Despite Newcastle's earlier assurance that the governor general would be better able to judge the right course to take, he was quick to condemn his decision. The colonial secretary wrote privately that he could not agree with Monck's view. "I think all constitutional procedure is against the demand which Mr. S. Macdonald made of you in the first instance and the course he attempted to pursue.... That which I anticipated has come to pass", he noted darkly.⁷⁷ Monck's response prompted Newcastle to explain "some of my hurried remarks". He insisted that it was really unnecessary to discuss the case, "as the circumstance of the late Dissolution in Canada are so very unlikely to recur during your Gov[ernment] and as I have never for a moment implied the least doubt of your wish to act impartially". While he had doubts about granting a dissolution to Sandfield Macdonald, he did not mean to dispute its constitutional propriety.⁷⁸

Newcastle was also critical of Monck's somewhat cryptic style of reporting events in his official despatches. The only notice the Colonial Office received of the dissolution of Canada's parliament was a copy of Monck's speech delivered upon the closure of the session.⁷⁹ Colonial Office officials were clearly in the dark about the significance of what had transpired. "I suppose", minuted Arthur Blackwood, "the ministry has been defeated on some great question".⁸⁰ "I think Lord Monck ought to give the Sec[retary] of State more information upon the public affairs of Canada than he has given in this case, and more than he is in the habit of giving", parliamentary undersecretary Chichester Fortescue ventured.⁸¹ Newcastle explained in response to his colleagues that Monck had written to him privately, "but it is strange that he should content himself with so bald a despatch as this upon an occasion of so much

interest & importance". He added that it was "a fitting occasion" to point out to Monck that his despatches were "much too meagre and that in the present instance but for the assistance of private letters and newspapers his announcement would have been quite unintelligible".⁸² Newcastle followed up with an official despatch in which he gently scolded Monck in just those terms. "I am well aware of the attitude of neutrality which it is necessary for your Lordship to maintain amidst the disputes and vicissitudes of the Parliamentary system established in Canada," he insisted. "I would on no account urge you to introduce into your public despatches comments upon the conduct of political parties, which might embarrass you afterwards in maintaining harmonious relations", but he was confident the governor general should be able to produce a "plain and impartial narrative" to indicate the general outline of events.⁸³ The spare style of Monck's official despatches has also misled historians as to the degree of his involvement in Canadian public life. The despatches, J.L. Morison remarked "present a striking contrast to those of Sydenham and Elgin, who proved how active was the part they played in the life of the community by the vividness of their sketches of Canadian politics and society".⁸⁴

In the meantime, several of Monck's friends in Britain, who evidently had received more details, hastened to assure him of their support for his decision to grant Sandfield Macdonald a dissolution. Robert Lowe wrote to let Monck know that he had discussed the situation with Edward Ellice and "entirely agreed with him in thinking that you had acted perfectly right and in a manner in every way worthy of you". "[I]t would have been an act of gross partiality to have turned ... [the administration] out in order to give the advantage of the dissolution to their antagonists", he continued. The former ministry seemed to him "the impersonation of evil". "I am glad they are out", he pronounced, "...and I think you deserve the highest credit for departing from the precedent of your predecessors and acting with complete impartiality". He admitted that "these are not the sentiments of the Colonial Office. The Duke of Newcastle is a man of sympathies and antipathies." But outside the Colonial Office, everyone acquainted with the facts believed Monck was right, he assured him.⁸⁵ Charles Adderley let Monck know that his "wise [and]... moderate" position had been praised in Britain and expressed his confidence as Monck undertook "a difficult and important task". He wondered if it was possible

to maintain a colonial connection with self-governing colonies, and pointed out to Monck that “the dualism of your own post” was the difficulty.⁸⁶ In the autumn of 1863 Monck expressed his relief to another correspondent in Britain that “my friends at home approve of my proceedings here. I have had rather a troublesome and anxious time of it during the summer, but I am repaid by the results”. He also confided that the support of Edward Ellice, who had died recently, had meant a great deal to him, “for he thoroughly understood Canadian politics, and knew the difficulties with which I have to contend here”.⁸⁷

The collapse of another ministry apparently convinced Monck that he would have to take a more active role than that of an aloof constitutional governor. Soon after the defeat of Sandfield Macdonald’s administration in May 1863, Monck requested an interview with George Brown. The reform politician recalled that he and the governor general had discussed “all sorts of things”. He found Monck to be “amazingly frank, straightforward and kind”. Monck agreed with Brown about the problems that plagued Canadian politics, “admitted I was seeking the right remedy, and put the question direct, ‘Mr. Brown, could you repeat what you did in 1858—would Mr. Dorion go with you to the extent he then did?’” Brown allegedly let Monck know that, while circumstances had changed, he and Dorion might accept office together. Brown reported that the governor general then sent for Sandfield Macdonald and urged him to attempt to form a coalition with Dorion and Brown. Buoyed by the intimation that “the Governor is thoroughly with us”, Reform politicians, including Dorion, Luther Holton, Oliver Mowat, Sandfield Macdonald, and his long-standing critic, George Brown, met to try to find some grounds for cooperation. Dorion pointed out that Lower Canadian supporters would never accept the doctrine of representation by population but, by leaving the question open, a coalition would be possible.⁸⁸ Brown himself declined to enter into an administration,⁸⁹ but the meeting was significant nevertheless. Brown’s conversation with Monck undoubtedly helped heal the bitterness that remained after his bruising brush with political office in 1858. By gaining Brown’s trust and displaying a willingness to consider his constitutional remedies, Monck might well have paved the way for the political rapprochement that was a necessary condition for the constitutional debates of 1864.

In the June 1863 election that followed Monck's dissolution, the previous government lost some support in Canada East, but gained seats in Canada West. Sandfield Macdonald once again presided over what Monck described as a "rickety Ministry".⁹⁰ The ministry was able at last to pass a slightly modified Militia Bill in a special session of the legislature in the autumn of 1863. These new measures did not go as far as Monck would have liked, but they represented a considerable improvement over previous defence spending commitments.⁹¹ Newcastle was gratified to be able to report on improvements to Canadian defence in the British parliament,⁹² and the British press approved of Canada's apparent new mindfulness of defence, and willingness to increase taxes for the purpose.⁹³ While this solved an immediate problem that had been troubling Monck since his arrival, the fundamental constitutional impasse had not been resolved. Sandfield Macdonald's support in the Legislative Assembly quickly melted away. He turned to Sir Étienne Taché and suggested an alliance with other moderate Conservatives, including John A. Macdonald and Cartier. Sandfield Macdonald discussed the idea with Monck, who was fully supportive of such a remedy. Negotiations failed, however, and on 21 March 1864 Sandfield Macdonald's ministry resigned without waiting for a formal vote of no-confidence.⁹⁴ "The situation", Joseph Pope speculated, "was one of no little embarrassment to the Governor General".⁹⁵ Monck explained to the British diplomatic representative at Washington, Lord Lyons, that his hands were full with a ministerial crisis. "I have tried my hand at an endeavour to reconcile personal differences", he admitted defeatedly, "—there are really no public questions which ought to keep men apart—but have failed signally".⁹⁶ Monck's official despatch to Newcastle—which was more detailed than his former almost telegraphic style of communication—echoed this idea. Sandfield Macdonald had told him, he reported, "that it appeared to him the time was come when a junction of men of opposite parties might with advantage be formed". "It seemed to me, from my own observation", he concurred, "that there is really no question involving any principle which ought to prevent public men from co-operating in Government in dispute between political parties in Canada".⁹⁷ Unlike Head, who advocated a federation scheme, Monck did not see the need for a major upheaval of Canada's political landscape. It would be enough, he believed, if individual politicians could be

encouraged to cooperate within the existing system. Sandfield Macdonald advised Monck that he had come to the conclusion that he himself might be a personal barrier to reconciling men of other parties, and recommended to Monck that he ask Fergusson Blair to form a government. Blair proved unable to marshal enough support, however. Monck decided to meet with some of the leading men himself to “try whether I might not be able to bring them to act together and with him”.⁹⁸ Monck was forced to call upon Alexander Campbell, Cartier, and Dorion in succession, and found that none of them were any more successful. Only when he summoned Taché, who in turn garnered the co-operation of John A. Macdonald and Cartier, was the governor general able to swear in a new ministry. This only delayed the crisis, however, and within three months the new ministry was defeated by a margin of two votes.⁹⁹

Presented with a new request for dissolution after the adverse vote on 14 June 1864, Monck was understandably concerned. Within three years, four ministries had been defeated, two general elections had failed to break the deadlock, and there was no evidence that a new appeal to the people would produce any dramatically different result. Monck asked Taché to put his request in writing¹⁰⁰ while he took time to consider his answer. He took into account the fact that the adverse vote was not over a policy of the present government, but concerned Galt’s advance of public money to the city of Montreal in 1859.¹⁰¹ Since “a good deal of personal feeling had been excited” over the question, Monck decided, “it seemed to me most desirable that some interval of time should be allowed to elapse before any definitive answer should be given by me”. These days of delay, were, W.L. Morton argued, “among the most pregnant and dramatic of Canadian history”. They marked a period of “true crisis, at once a turning-point and a verdict”.¹⁰²

After two days, Monck responded to Taché’s written request. Monck recapped the political events of the past three years and expressed his view that during this time of political instability, “no question involving any great principle or calculated to prevent politicians on public grounds from acting in concert had been raised in Parliament”. He recalled his own role in appealing to the patriotism of politicians on both sides of the House to “throw aside personal differences, and to unite in the formation of a Government strong enough to advance the general

interests of the Country". He deeply regretted that this attempt should have failed, and complained that the continuation of such a state of things was "deeply prejudicial to the best interest of the Province". A new election would not alter conditions. "The Governor General", he stated frankly, "still adheres to the opinion that such an amalgamation of parties is the course calculated to confer the largest amount of benefit on the Province". He earnestly hoped that "means may be found for effecting such an arrangement without doing violence to the self respect of any gentleman connected with Canadian politics". While assuring Taché that he was quite willing to act on his advice, he trusted that an appeal to the country could be avoided.¹⁰³ The arguments Monck used were similar to those cited by Head in 1858—a new election was unlikely to present a clear verdict—yet Monck's position was strengthened by the fact that, contrary to Newcastle's instincts, he *had* permitted an election the previous year. Further, to borrow a metaphor Monck used himself, he played his cards shrewdly. He did not refuse a dissolution outright, but rather stalled for time, hopeful that Canadian politicians could use the interval to undertake the necessary negotiations.

In the meantime, Monck exerted pressure on opposition politicians, especially George Brown. There can be little doubt that his careful handling of Brown helped assuage the Reformer's wounded dignity after his clash with Monck's predecessor. On 21 June 1864, Monck wrote to Brown to plead with him that "the success or failure of the negotiations... depends very much on your consenting to come into the cabinet." Because of the urgent circumstances, the governor general explained, he felt he must again "take the liberty of pressing upon you by this note, as I have already often done verbally, my opinion of the grave responsibility which you will take upon yourself if you should refuse to do so".¹⁰⁴ Clearly, in the governor general's mind a great deal was at stake. Monck recalled later to Macdonald that he felt "when I formed the present Administration that my last card in that suit had been played, and that, if it did not win, the time would have come when I ought to give up the attempt to manage the affairs of Canada".¹⁰⁵ W.L. Morton has speculated that Monck's own political experience in a political coalition under Lord Aberdeen may have contributed to his commitment to the idea of a coalition as the solution to Canada's constitutional problems.¹⁰⁶ Morton referred to Monck as the "advocate as

well as inspirer of the idea of coalition", pointing out that Monck had become convinced during Sandfield Macdonald's term of office that only a coalition could break the deadlock.¹⁰⁷ It had been a great disappointment to Monck that the idea had failed earlier. Morton did not believe it followed from this, however, that Monck had any grand plan about the necessity of Confederation. Monck would later become a firm advocate of Confederation, and an active agent in the process of securing its passage.¹⁰⁸ But Ged Martin has agreed that "neither Newcastle nor Monck linked the political need for coalition with the opportunity for a new departure in constitutional engineering". It had not been evident to Newcastle, or Cardwell, his successor, that Confederation was part of the immediate plans of the Great Coalition. Monck, for his part, had only expressed to the Colonial Office his hope that a compromise would be found for the representation by population issue.¹⁰⁹

Monck was pleased to report to Cardwell that his delay in answering Taché's request for a dissolution was "attended with beneficial results". There had been several days negotiation to "bring about a Union of parties in the sense of my memorandum", Monck explained. "I had constant interviews with gentlemen representing the different parties in Canadian politics, and the result was that on Wednesday the 22nd an arrangement was made satisfactory to both parties". Monck was not backward in claiming his share of the credit for this resolution, and "I have no hesitation in expressing my satisfaction at this result". He pointed out that the only question about which there had been any serious difference was the equality of representation for Upper and Lower Canada, given the difference in population. Now, however, that those holding opposing views had "met each other in a spirit of conciliation", Monck had no doubt that a satisfactory compromise could be devised.¹¹⁰

The cabinet of the so-called "Great Coalition" included John A. Macdonald, Alexander Galt, George-Etienne Cartier, William McDougall, Thomas D'Arcy McGee, Oliver Mowat, Etienne-Pascal Taché, Hector Langevin, Alexander Campbell, James Cockburn, J. C. Chapais, and George Brown.¹¹¹ Brown might be seen as either the *sine qua non* of the coalition, or, according to Joseph Pope, the root of all the trouble in the first place.¹¹² It was understood that the coalition would work toward the goal of federation, either of Canada, or all of the British North American

provinces, according to the programme outlined in a constitutional committee report made by George Brown on 14 June.¹¹³ A printed pamphlet, *Ministerial Explanations*, issued by parliament on 23 June 1864 described this objective, and also explained the process of negotiation that led to the construction of the coalition. Perhaps not surprisingly, little mention was made of any role Monck may have played.¹¹⁴ Alexander Mackenzie's biography of Brown plays up this role to a greater degree. "Lord Monck", he reports, "had several interviews with Mr Brown with a view to induce him to set aside his scruples and act as a minister in securing the acceptance of the new system".¹¹⁵ There is little doubt that Brown's biographer felt it reflected well on Brown that he was deemed to be an essential element of the new cabinet, and that no less a personage than the governor general was called into service to win him over. Mackenzie praised Monck as "a thoroughly honest man, an upright Governor-General, and an enthusiastic lover of Canada. He was also in British politics a well-known liberal. The opinions of such a man very naturally had much weight with public men generally". Mackenzie declined to discuss the full share Monck had in negotiations involving the coalition and the adoption of Confederation, but asserted that "it may be accepted as inconvertible that the means used and the influence exerted were such only as he was justified in using in a great crisis". This explanation also served the purpose of providing a suitable rationale for Brown's decision to join with his former political enemies.¹¹⁶

The informal mediation Monck undertook was fraught with risk, and unlikely to have earned him the gratitude of Canadian politicians. The fact that Monck was successful in his thankless task is testimony to his suitability for the sensitive role of impartial constitutional ruler and behind-the-scenes peacemaker who cajoled and flattered intransigent political rivals. Political conditions in the immediate pre-Confederation period were such that a governor could not practically adhere to the ideal of aloofness that strict constitutional principles might demand. This had been Sir Edmund Head's experience as well. But unlike Head, Monck's temperament enabled him to push the limits of his role without causing undue offence or controversy. Once Confederation was in place, and a remedy found for the ongoing political instability, the stage was set for the governor general's eventual retreat to a position that was more dignified than active.

¹ On 8 November 1861 Captain Charles Wilkes of the Union navy stopped the *Trent*, a British merchant ship, in neutral Atlantic waters and seized two Confederate emissaries on their way to London and Paris. Robin W. Winks, *Canada and the United States: The Civil War Years* (Baltimore: The Johns Hopkins Press, 1960), 69-103; W.L. Morton, *The Critical Years*, 100.

² J. Mackay Hitsman, "Winter Troop Movement to Canada, 1862" *Canadian Historical Review* 43 (June 1962) 127-135. Hitsman discounts the fanciful story, propagated by American historian Frederic Bancroft, that permission was sought and granted for British troops to land at Portland, Maine, and be transported across American soil. See also C. P. Stacey, *Canada and the British Army, 1846-1871* (Toronto: University of Toronto Press, 1963), 120-22.

³ This preoccupation is reflected in his private correspondence with Newcastle. See letters for November 1861 through January 1862 in Newcastle Papers, NeC 11,386 – 11,395.

⁴ Monck to Arthur Gordon, 1 February 1862, private, as quoted in J.C. Brady, "Lord Monck in Canada", 39.

⁵ See Ged Martin, *Britain and the Origins of Canadian Confederation*, chapter 3.

⁶ Lord Monck, 6 June 1866, Memorandum to Executive Council, printed in Joseph Pope, *Memoirs of Macdonald*, Appendix XII, 373. See also C.P. Stacey, "Lord Monck and the Canadian Nation" *The Dalhousie Review* 14 (July 1934), 179-191. For an exploration of Monck's role at a later stage, see W.M. Whitelaw, "Lord Monck and the Canadian Constitution" *Canadian Historical Review* 21 (1940), 298-306, which deals with Monck's influence on the terms of the Confederation agreement.

⁷ Questions have been raised about Monck's "popularity" or lack of it. Jacques Monet, in the *Dictionary of Canadian Biography*, XIII, 749-51 described Monck as lacking in style and imagination: "he seems never to have sought popularity, nor ever to have found it. Politicians disliked him. People found him dull. Still, those who knew him well and worked with him closely came to respect him and admire his great qualities of patience, helpfulness, and genuine impartiality". It is indisputable that Monck did not enjoy the public acclaim won by other governors general—Dufferin, certainly, and Elgin to some extent. But Monck shrunk from the sort of public spectacles that would have promoted his own popularity and did not make much of an effort to win over Canada's social elite through extravagant entertaining. His wife's reserved nature was probably a factor in this. The efforts of his secretary, Denis Godley, to limit access to the governor general no doubt cost Monck popularity. It is also safe to say, however, that Monck did not make himself the target of the kind of enmity that those with a higher profile frequently provoked. Even his detractors acknowledged his scrupulous fairness to all parties, and Monck's ability to convince reform politicians of his sincerity earned him their respect.

⁸ Donald Creighton, *The Road to Confederation. The Emergence of Canada: 1863-1867* (Toronto: Macmillan, 1964), 54.

⁹ Monck to Lord Lyons, 25 June 1864, printed in Elisabeth Batt, *Monck*, 82.

¹⁰ As quoted in Henry J. Morgan, *Sketches of Celebrated Canadians*, 768-9.

¹¹ Jacques Monet, "Monck" in *DCB*, XIII, 749-751. See also *DNB*, XXII, 1055-1056, and John Cowan, *Canada's Governors General*, 3-8.

¹² *Quebec Morning Chronicle*, 26 September 1861, as quoted in John Charles Brady, "Lord Monck in Canada, 1861-1864", M.A. thesis, University of Western Ontario, 1964, 7.

¹³ Elisabeth Batt, *Monck*, 37.

¹⁴ Lowe to Edward Ellice, as quoted in James Winter, *Robert Lowe*, 124.

¹⁵ Newcastle Papers, NeC 10,885, Newcastle to Head, 27 September 1861.

¹⁶ Elisabeth Batt, *Monck*, 20.

¹⁷ *DNB*, XXII, 1056.

¹⁸ Jacques Monet, *DCB*, 750.

¹⁹ Elisabeth Batt, *Monck*, 16.

²⁰ W.L. Morton, *Monck Letters*, xiv.

²¹ Elisabeth Batt, *Monck*, 16.

²² *Monck Letters*, Monck to Henry, 12 April 1868, 345.

²³ *Ibid.*, Monck to Henry, 12 June 1868, 351.

²⁴ Elisabeth Batt, *Monck*, 75.

²⁵ *Ibid.*, 63.

²⁶ *Monck Letters*, Monck to Henry, 24 May 1866, 299.

²⁷ *Ibid.*, Monck to Henry, 14 September 1866, 309.

²⁸ Florence Hamilton Randal, "Rideau Hall—Past and Present" *Canadian Magazine* 12 (1898), 151.

- ²⁹ Elisabeth Batt, *Monck*, 30.
- ³⁰ *Globe*, cited in Elisabeth Batt, *Monck*, 56.
- ³¹ NAC, Monck Papers, C 2979, Monck to Henry, 24 February 1865.
- ³² *A Selection from the Correspondence of Abraham Hayward, Q.C.* 2 vols. Henry E. Carlisle, ed., (London: John Murray, 1886), Monck to Abraham Hayward, 31 July 1862, II, 80.
- ³³ *Monck Letters*, Monck to Henry, 7 November 1867, 331.
- ³⁴ *Ibid.*, Monck to Henry, 5 December 1867, 333.
- ³⁵ NAC, Monck Papers, C 2979, Monck to Henry, 25 November 1864.
- ³⁶ *Ibid.*, Monck to Henry, 27 October 1867.
- ³⁷ *Ibid.*, Monck to Henry, 19 February, 1864.
- ³⁸ Jacques Monet, *DCB*, 751.
- ³⁹ Robin W. Winks, *Canada and the United States*, 72.
- ⁴⁰ Jacques Monet, *DCB*, 750. See also Elisabeth Batt, *Monck*, 30.
- ⁴¹ C.P. Stacey, "Lord Monck and the Canadian Nation" *The Dalhousie Review* 14 (July 1934), 189-90.
- ⁴² R.H. Hubbard, *Rideau Hall*, 9.
- ⁴³ Joseph Pope, *Memoirs of Macdonald*, I, 368.
- ⁴⁴ The number of British troops in Canada was reduced in 1854 so that more would be available for service in the Crimea. Except in the event of crisis, imperial policy increasingly dictated that defence costs should be borne by the colonies themselves. Canada passed a Militia Bill in 1855 as a small step toward filling the void, but cost-cutting reductions in subsequent years undermined the militia's effectiveness. At the time of the outbreak of the Civil War, there were fewer than 4,300 Imperial regulars in British North America, with only 2,200 in Canada itself. The number of Canadian volunteers was less than 5,000. In March 1862 a Commission, which included John A. Macdonald, George-Etienne Cartier, and the newly-arrived British officer, Colonel Lysons, among others, reported to Monck on recommended improvements to Canada's militia. Key among the recommendations was a dramatic increase in the numbers of the force to 50,000 active and a further 50,000 reserve members. *SP*, vol. XX, 4, no. 17, 1862. See also J.C. Brady, "Lord Monck in Canada", 14-39 and C.P. Stacey, *Canada and the British Army*, 118.
- ⁴⁵ The supplementary Navy estimates for the reinforcement operation came to £234,000, with another £40,000 to go on the next year's estimates. The Army estimates amounted to £609,000. C.P. Stacey, *Canada and the British Army*, 128.
- ⁴⁶ *Ibid.*, 122-33; C.F. Hamilton, "The Canadian Militia from the Crimean War to 1861" *Canadian Defence Quarterly*, 6 (October 1928), 36-48; C.F. Hamilton, "The Canadian Militia from 1861 to Confederation" *Canadian Defence Quarterly* 6 (January 1929), 199-204; Robin W. Winks, *Canada and the United States*, 115.
- ⁴⁷ Newcastle Papers, NeC 11,412, Monck to Newcastle, private, 22 March 1862.
- ⁴⁸ Newcastle Papers, NeC 11,413, Monck to Newcastle, private, 28 March 1862.
- ⁴⁹ Newcastle Papers, NeC 11,397, Monck to Newcastle, private, 4 April 1862.
- ⁵⁰ C.P. Stacey, *Canada and the British Army*, 134; Robin W. Winks, *Canada and the United States*, 116.
- ⁵¹ Newcastle confirmed Monck's fears about public opinion in Britain, as did the British press. C.F. Hamilton, "The Canadian Militia: from 1861 to Confederation", 204; C.P. Stacey, *Canada and the British Army*, 137-42; F. Darrell Munsell, *The Unfortunate Duke*, 262.
- ⁵² Newcastle Papers, NeC 11,419, Monck to Newcastle, private, 23 May 1862.
- ⁵³ O.D. Skelton, *The Life and Times of Sir Alexander Tilloch Galt* (Toronto: Oxford University Press, 1920), 146. Note that this is a different version of a similarly titled, but much shorter, book by the same author published in 1966.
- ⁵⁴ Joseph Pope, *Memoirs of Macdonald*, I, 242 and E.W. Watkin, *Canada and the States*, 95.
- ⁵⁵ J.L. Morison, *British Supremacy and Canadian Self-Government*, 324-25.
- ⁵⁶ W.P.M. Kennedy, *The Constitution of Canada*, 270.
- ⁵⁷ Donald Creighton, *John A. Macdonald*, I, 334.
- ⁵⁸ Bruce W. Hodgins, *John Sandfield Macdonald 1812-1872* (Toronto: University of Toronto Press, 1971), 55.
- ⁵⁹ C.P. Stacey, *Canada and the British Army*, 142-3.
- ⁶⁰ Mackenzie to George Brown, 31 May 1862, as quoted in Dale Thomson, *Alexander Mackenzie: Clear Grit* (Toronto: Macmillan, 1960), 68-9.
- ⁶¹ E.W. Watkin, *Canada and the States*, 95.

- ⁶² NAC, Monck Papers, A 757, Memorandum, 20, 21 May 1862.
- ⁶³ Newcastle Papers, NeC 11,420, Monck to Newcastle, private, 24 May 1862.
- ⁶⁴ Monck's correspondence appears to hold no clues as to his choice. W.L. Morton, *The Critical Years*, 112, concurs that there is no known record of Monck's reasoning.
- ⁶⁵ Newcastle Papers, NeC 11,423, Monck to Newcastle, private, 27 June 1862.
- ⁶⁶ Newcastle Papers, NeC 11,421, Monck to Newcastle, private, 30 May 1862.
- ⁶⁷ Newcastle Papers, NeC 11,425, Monck to Newcastle, private, 11 August 1862.
- ⁶⁸ National Library of Scotland, Ellice Papers, MS 15039 ff 21-30, Monck to Ellice, private, 21 October 1862.
- ⁶⁹ Newcastle Papers, NeC 10,887, Newcastle to Monck, private, 29 November 1862.
- ⁷⁰ Newcastle Papers, NeC 10,887, Newcastle to Monck, private 29 May 1863.
- ⁷¹ Newcastle Papers, NeC 10,887, Newcastle to Monck, private, 29 November 1862.
- ⁷² Newcastle Papers, NeC 11,433, Monck to Newcastle, private, 13 December 1862.
- ⁷³ Joseph Pope, *Memoirs of Macdonald*, I, 244. See also W.L. Morton, *The Critical Years*, 125, and Ged Martin, *Britain and the Origins of Canadian Confederation*, 18.
- ⁷⁴ Newcastle was an important player in mid-nineteenth century British politics. Many regarded him as the natural successor to Peel. His administration of the Colonial Office between 1859 and 1864 helped keep the affairs of the empire on the British agenda at a time when the rationale for colonial possessions came increasingly under question (he had also been colonial secretary in 1853-4). Newcastle's stature in British politics was especially helpful when pursuing the interests of the Colonial Office relative to other departments, notably the War Office and the Treasury. F. Darrell Munsell, *The Unfortunate Duke*, 120-1; 237-44.
- ⁷⁵ Newcastle Papers, NeC 10,887, Newcastle to Monck, private, 29 May 1863. Another letter earlier in the year anticipated the government's downfall and cautioned Monck along similar lines. While assuring Monck that he had good grounds for refusing a dissolution should the administration be defeated, Newcastle again had allowed that "of course you will be better able to judge on the spot". Newcastle Papers, NeC 10,887, Newcastle to Monck, private, 23 January 1863.
- ⁷⁶ Ellice Papers, MS 15039 ff 27-30, Monck to Ellice, private, 29 July 1863.
- ⁷⁷ Newcastle Papers, NeC 10,887, Newcastle to Monck, private, 20 June 1863.
- ⁷⁸ Newcastle Papers, NeC 10,888, Newcastle to Monck, private, 14 August 1863.
- ⁷⁹ NAC, CO 42/637, B 455, Monck to Newcastle, despatch 48, 12 May 1863.
- ⁸⁰ *Ibid.*, Minute by Arthur Blackwood, 29 May 1863.
- ⁸¹ *Ibid.*, Minute by Chichester Fortescue, 30 May 1863.
- ⁸² *Ibid.*, Minute by Newcastle, 31 May 1863.
- ⁸³ NAC, CO42/637, B 455, Newcastle to Monck, private & confidential despatch, 10 July 1863. James Gibson has pointed out that Monck was on another occasion taken to task by Newcastle for his "lack of system". See James A. Gibson, "The Duke of Newcastle and British North American Affairs", 143.
- ⁸⁴ J.L. Morison, *British Supremacy and Canadian Self-Government*, 325. Morison obviously did not enjoy access to the Newcastle papers to peruse the much more illuminating private correspondence.
- ⁸⁵ NAC, Monck Papers, A 757, Robert Lowe to Monck, 11 November 1863.
- ⁸⁶ NAC, Monck Papers, A 755, Charles Adderley to Monck, 29 August 1863.
- ⁸⁷ *Correspondence of Abraham Hayward*, Monck to Abraham Hayward, 5 November 1863, II, 102-3.
- ⁸⁸ George Brown to Gordon Brown, 11 May 1863, as quoted in J. M. S. Careless, *Brown of the Globe*, II, 93.
- ⁸⁹ Bruce Willard Hodgins, "The Political Career of John Sandfield Macdonald to the Fall of His Administration in March 1864" Ph. D. thesis, Duke University, 1965, 371.
- ⁹⁰ Monck to Lyons, 13 April 1863, as quoted in Elisabeth Batt, *Monck*, 67.
- ⁹¹ C.P. Stacey, *Canada and the British Army*, 149-51; C.F. Hamilton, "The Canadian Militia: from 1861 to Confederation", 207-10.
- ⁹² Newcastle Papers, NeC 10,888, Newcastle to Monck, private, 3 December 1863. See also the detailed account in John Charles Brady, "Lord Monck in Canada", 122-34.
- ⁹³ Bruce Hodgins, "The Political Career of John Sandfield Macdonald", 402-4.
- ⁹⁴ NAC, CO 42/640, B 457, 31 March 1864, despatch 43, Monck to Newcastle. See also Bruce Hodgins, "The Political Career of John Sandfield Macdonald", 423; and P.B. Waite, *The Life and Times of Confederation* (Toronto: University of Toronto Press, 1962). Chapter 4 provides an

excellent overview of the process of coalition building, and refers to Monck's role as mediator and supporter.

⁹⁵ Joseph Pope, *Memoirs of Macdonald*, I, 255.

⁹⁶ Monck to Lyons, April –[?] 1864, as quoted in Elisabeth Batt, *Monck* 79-80.

⁹⁷ NAC, CO 42/640, B 457, 31 March 1864, despatch 43, Monck to Newcastle.

⁹⁸ *Ibid.*

⁹⁹ Ged Martin, *Fact and Faction in Canada's Great Coalition of 1864* (Sackville, New Brunswick: Centre for Canadian Studies, Mount Allison University, 1993); Bruce Hodgins, "The Political Career of John Sandfield Macdonald", 424; Joseph Pope, *Memoirs of Macdonald*, I, 257.

¹⁰⁰ NAC CO 42/641, B 458, Memorandum by E.P. Taché, 15 June 1864, Enclosure A in Monck to Edward Cardwell, despatch 97, 30 June 1864. See also Reginald G. Trotter, "Lord Monck and the Great Coalition of 1864" *Canadian Historical Review* 3 (1922), 181-6.

¹⁰¹ W.L. Morton supplies more detail on this point than Monck did to the colonial secretary. The grant was apparently in connection with property in Montreal taken up by the Grand Trunk Railway. See W.L. Morton, *The Critical Years*, 146.

¹⁰² W.L. Morton, *The Critical Years*, 146. A detailed account of this episode may also be found in Donald Creighton, *The Road to Confederation*, 56-69.

¹⁰³ NAC CO 42/641, B 458, Memorandum by Monck, (undated), Enclosure B in Monck to Edward Cardwell, despatch 97, 30 June 1864. See also NAC, Monck Papers, A 757, Monck to Taché, 16 June 1864.

¹⁰⁴ NAC, Monck Papers, A 757, Monck to George Brown, 21 June 1864. This is also printed in Alexander Mackenzie, *The Life and Speeches of Hon. George Brown* (Toronto: The Globe Printing Company, 1882), 96.

¹⁰⁵ Monck to Macdonald, 21 June 1866, printed in Joseph Pope, *Memoirs of Macdonald*, I, 299.

¹⁰⁶ W.L. Morton, "Lord Monck, His Friends, and the Nationalizing of the British Empire", 52.

¹⁰⁷ W.L. Morton, *The Critical Years*, 141-2. See also J.M.S. Careless, *Brown of the Globe*, II, 131-140, for a detailed account of the process of negotiation and Monck's role in it.

¹⁰⁸ Too firm an advocate, according to some. "The employment of Imperial influence to press on the federation of Canada was distinctly marked in the action of Lord Monck as Governor-General", Arthur Berriedale Keith has noted disapprovingly. Monck "constantly pressed his ministers in a manner which would now be deemed incompatible with the respect due to them." See Arthur Berriedale Keith, *Responsible Government*, II, 746.

¹⁰⁹ Ged Martin, *Britain and the Origins of Canadian Confederation*, 234, 241. See also Chester Martin, "British Policy in Canadian Confederation" *Canadian Historical Review* 13 (March 1932) 8-10, and James Gibson, "The Colonial Office View of Canadian Federation, 1856-1868" *Canadian Historical Review* 35 (1954), for a confirmation of this view.

¹¹⁰ NAC CO 42/641, B 458, Monck to Cardwell, despatch 97, 30 June 1864.

¹¹¹ James Young, *Public Men and Public Life*, I, 217.

¹¹² Joseph Pope, *Memoirs of Macdonald*, I, 257.

¹¹³ For the text of the brief report, see Alexander Mackenzie, *The Life and Speeches of Hon. George Brown*, 85.

¹¹⁴ NAC CO 42/641, B 458, Monck to Cardwell, despatch 97, 30 June 1864, Enclosure D, "Ministerial Explanations", printed pamphlet, 23 June 1864, Parliament of Canada. The same is true of many historical accounts. See, for example, John Boyd, *Sir George Etienne Cartier, Bart. His Life and Times: A Political History of Canada from 1814 until 1873* (Toronto: Macmillan, 1914), 186-189. Boyd provides a detailed account of the process of coalition building, but fails to mention Monck at all. Chester Martin, however, acknowledged that "it is clear from the correspondence of both [Monck and Brown]... that no direct personal influence outweighed the governor-general's in bringing Brown into the coalition of 1864". See Chester Martin, "British Policy in Canadian Confederation", 16.

¹¹⁵ Alexander Mackenzie, *The Life and Speeches of Hon. George Brown*, 96.

¹¹⁶ *Ibid.*

Diplomacy or Duplicity?:
Lord Lisgar and the Treaty of Washington, 1871

Much of this study has been concerned with the constitutional role of the governor general—the part he played in ensuring the smooth workings of government during changes in administration, or periods of political instability. It follows from this that during periods of stable government the role of the governor general was less conspicuous. Sir John Young, Lord Lisgar, had the apparent good fortune to preside over an unchanging Conservative administration dominated by Sir John A. Macdonald during his entire term of office (1869-1872)¹. The absence of any constitutional crises has given him a lower historical profile and has led one historian to characterise him as “an indolent individual” who took little part in political affairs.² The lack of any private manuscript collection for Lisgar is also undoubtedly a factor in his obscure reputation. No collected correspondence remains to celebrate and elucidate any part Lisgar may have taken in Canadian affairs.

Unfortunately for his reputation, virtually the only allusion to Lisgar that survives in Canadian historiography concerns his role in the conclusion of the 1871 Treaty of Washington, a treaty that, to many Canadians, symbolised a sacrifice of colonial interests on the altar of imperialism.³ This episode, however, warrants closer examination for its potential to shed light on an important but unofficial aspect of the viceregal role. The governor general during this period functioned as a quasi-diplomat with respect to the United States. There was, of course, a British minister posted at Washington, but—as any British-American issues almost certainly would have a bearing on Canada—the perspective of an imperial functionary based in Canada was invaluable. Donald Creighton argued that Lisgar used his privileged position as go-between to propose a settlement of the fisheries question—one of the points at issue during the Treaty of Washington negotiations—that was contrary to the wishes of his Canadian ministers.⁴ J.B. Brebner went even further, maintaining that Macdonald’s work as one of the Joint Commissioners was “almost fatally handicapped by the underhand behaviour of Lord Lisgar... who repeatedly hamstrung him by betraying to the British Commissioners Macdonald’s confidential correspondence with the Canadian Cabinet.”⁵

It is possible to get a fuller picture of Lisgar's role by examining his official correspondence with the Colonial Office, along with the private correspondence of such figures as Lord Granville, Lord Kimberley and Canadian Prime Minister John A. Macdonald. Lord Granville was secretary of state for the colonies, and later foreign secretary, during Lisgar's term, and Lord Kimberley succeeded him as colonial secretary. All of this material shows that Lisgar did indeed have an active role in the settlement of the issues. It is undeniable that Canada came away from the negotiations without the hoped-for renewal of reciprocal free trade. It is less clear, however, that Lisgar dealt away Canada's trump card—access to the inshore fisheries—out of carelessness or duplicity. Mindful of Britain's imperial agenda, Lisgar nevertheless tried to secure the best deal he could for Canada. A return to reciprocity was not in the cards. A series of British and Canadian overtures in that direction had run squarely into a solid wall of protectionist sentiment. Further, Americans insisted upon continuing to enjoy the historic privilege of access to Canada's fisheries and seemed disposed to flout attempts to collect licence fees or bar them altogether. Alarmed by recent developments in Europe and the rise of a powerful unified Germany, Britain was determined to secure good relations with the United States. These realities—Canada's colonial status, and, more especially, the presence of a powerful neighbour able to dictate terms—shaped the nature of the agreement reached at Washington.

Sir John Young, the second baronet, was born in Bombay on 31 August 1807, eldest son of Sir William Young and his wife Lucy, daughter of Lieutenant-Colonel Charles Frederick. He attended Eton and Corpus Christi College, Oxford, and obtained a Bachelor's degree in 1829. He entered Lincoln's Inn in January 1829, and was called to the Bar in 1834. He was elected Tory MP for County Cavan in May 1831, a seat which he held until 1855. A supporter of Peel, Young held moderate political views. Peel appointed Young a lord of the treasury in September 1841. Three years later, he was made one of the secretaries of the treasury, a post he held until the defeat of Peel's ministry in July 1846. Young was among a group of close-knit political allies who rallied around the defeated Peel, and attempted to resuscitate a party under his leadership, a party which would be essentially

conservative, yet committed to reform in tariff policy and administration. Young's close political friends in this group included a number of influential figures: Lord Lincoln (later the Duke of Newcastle), William Gladstone, Sidney Herbert, Lord Dalhousie, Lord Canning, and Edward Cardwell. Young served as the Peelite chief whip from 1846 to 1852. He succeeded to the baronetcy in 1848, was made chief secretary for Ireland in Lord Aberdeen's government in December 1852, and was appointed to the Privy Council. In 1855, he was appointed Lord High Commissioner of the Ionian Islands and was awarded a GCMG. A clash with his representative assembly in the Ionian Islands, sparked by a leaked dispatch, led to Young's recall on the advice of Gladstone, but with the recommendation that he be appointed elsewhere. In 1859 he was awarded a KCB. In March 1861, Young was appointed governor general and commander in chief of New South Wales, a post he held until December 1867. Young again encountered trouble with this new colonial appointment. Immediately after his arrival, he accepted the advice of the premier of New South Wales, Sir Charles Cowper, and appointed fifteen new members to the upper house in order to secure the passage of a measure for the allotment of Crown lands. Young's predecessor, Sir William Denison, had refused to be party to this, and Newcastle let Young know that he was displeased. In November 1868, after his return to Britain, Young was created GCB. He wished to re-establish himself in politics, but found that he was in disagreement with Gladstone over the ballot. It was a Conservative administration that offered him the governor-generalship of Canada in that year.⁶ Young's selection by Disraeli's government has been labelled a "non-political appointment".⁷ Sir John Young was raised to the peerage as Baron Lisgar of Lisgar and Baillieborough, County Cavan, in October 1870, and was named lord lieutenant of County Cavan in 1871.

The absence of any surviving collection of manuscripts means that less is known about Lisgar than others who held the viceregal role. No in-depth biography has yet been attempted. His character is therefore more elusive. He emerges as a retiring individual who went through the motions of his required social duties, but preferred the solitude of his study, where he would immerse himself in quadratic equations.⁸ Lisgar also enjoyed the pastoral life and recalled with fondness how he "used to love farming and having animals—black faced sheep to eat, and cows to

give milk". His short horn bulls always took the prize at the local cattle show, he noted with pride.⁹ When his Canadian term was over he confided to Macdonald that he was eager to return "to *peace and quiet* in Ireland.... You will perhaps hear of my distinguishing myself at an agricultural exhibition".¹⁰

Lisgar has been described as "an experienced and practical civil servant"¹¹ but his low-key approach to his gubernatorial duties has also earned him a reputation as "an indolent individual" who took little part in affairs of government.¹² In parliament almost twenty-five years, Lisgar had considerably more political experience than other governors general. Lisgar had a reputation as a "working" member of parliament,¹³ so it may well be that his comparative lack of energy while in Canada is indeed attributable to ill health. Nonetheless, Lisgar's lack of industry may be more apparent than real. He fulfilled his role discreetly, but there is ample evidence that he was busy behind the scenes. Lisgar's unpublished correspondence with the colonial secretary shows considerable activity. Most observers seem to have agreed that Lisgar was not in any way ostentatious in the performance of his duties. Goldwin Smith looked back on Lisgar's term of office after he had been succeeded by the more flamboyant Lord Dufferin and found much to admire in Lisgar's steady, quiet approach. Lisgar is described as "a veteran public servant" who had no desire "to fill the papers on his own account".

He was content to perform his allotted part without exaggerating it, and to appear as a faithful and dignified representative of the Crown. He did not go on the stump, meddle with the press, or use his high station to propagate his own opinions. His influence was exercised only in teaching colonial politicians to observe English rules, and in tempering the violence of their conflicts. He was courteous, but did not hunt popularity. His hospitality was simply that of an English nobleman: it had no ulterior object, and as an example could do nothing but good. When he spoke, his words were those of sobriety and truth; nor did he ever court applause by indulging in the unmeasured flattery which is at once most seductive and most poisonous to a young nation. If, among English noblemen and public men his counterpart could be found, supposing that the office is to be retained, Canada might go further and fare worse.¹⁴

Lisgar was a favourite with Fanny Meredith, wife of a prominent Ottawa civil servant, who remembered that "it was sort of an understood thing that after receiving guests at an afternoon reception, he would come over to me and say 'now let us go and have a cup of tea'".¹⁵ John Charles Dent found Lisgar's manner "pleasant and

ingratiating” but acknowledged that he never made himself universally popular, or aroused much enthusiasm among the populace.¹⁶ There is also evidence that Lisgar and his wife established a cordial relationship with John A. Macdonald. Lady Macdonald remembered Lisgar as “the dear old Governor”.¹⁷ The relationship between the two men became strained during the struggle over the Treaty of Washington, when Lisgar grew weary of Macdonald’s apparent craftiness and entertained doubts about the prime minister’s good faith. Nevertheless, their correspondence suggests a spirit of candour and affection.¹⁸ Lisgar exhibited the easy hospitality and geniality that characterized the best aspect of aristocracy, while Macdonald’s facility for friendship enabled him to mix easily with people from all backgrounds. Some Canadian politicians were awkward and standoffish with British peers, hampered by a mingled sense of inferiority and resentment, but Macdonald inevitably hit the right note and was friendly without being fawning. When Lisgar’s term of office was over, the two continued to correspond, Macdonald sharing his impression of Lord Dufferin, Lisgar’s successor, and finding him wanting by comparison. Macdonald insisted that he did not mind flattery, “but he lays it on rather too thick. Lady Dufferin is very charming, with nice, unaffected manners, and much more natural than the *caro sposo*. I think I shall like her much, but in military phrase, I would gladly exchange her for Lady Lisgar, and pay the difference.”¹⁹

Lisgar’s portraits show an archetypal Victorian statesman of mature years, with a firm jaw, long straight nose and receding grey hair swept over a broad forehead and framing his long face in sideburns. His deep, close-set eyes betray some hint of fatigue. The Canadian appointment proved to be Lisgar’s final one. When he left Canada he returned to his home in Baillieborough, where he died in October 1876.

In the years leading up to the 1871 Treaty of Washington the number of outstanding grievances and points of potential conflict between the United States and Britain and Canada grew. These included reparations for damages by the British-built *Alabama* during the Civil War, tariffs and trade, possession of the San Juan Islands, the Fenian raids, and navigation and fishing rights.²⁰

The fisheries issue was a long-standing one. The 1783 Treaty of Paris, which recognised the independence of the United States after the Revolutionary War, had granted certain fishing privileges in British waters to the new nation. Britain maintained that these privileges had been extinguished during the War of 1812, although the Treaty of Ghent ending the war made no specific reference to the subject. A number of American vessels had been seized after the war's end, pointing up the need for a clear agreement. The Convention of 1818 excluded Americans from fishing within three miles of the shores of British North American territory, except in certain defined waters, but granted admission to harbours for obtaining shelter and water, making repairs and purchasing wood.²¹ The convention did not put an end to disagreements, however, and the British North American provinces complained of continual invasions of their inshore fisheries by Americans. Only with the conclusion of the Reciprocity Treaty of 1854 was the matter resolved. In addition to the free exchange of natural products, access to the inshore fisheries was to be shared. The abrogation of the Reciprocity Treaty by the United States in 1866 meant that the fisheries arrangement was cancelled and conditions returned to those set by the convention of 1818—conditions ripe for renewed conflict.

The question of reciprocal trade with the Americans was a very important one to Canada. Lord Elgin's triumphant conclusion of a Reciprocity Treaty in 1854 may indeed have been a product of his skilful diplomacy—critics sneered that he had floated the treaty through on champagne.²² But annexationist rumblings in Canada were undoubtedly a factor as well. Northern US Senators believed that closer trade ties could be the precursor to continental union. Southern Senators, unwilling to see anything upset the precarious balance of slave and free states, hoped that reciprocal trade would be an effective means of staving off annexation.²³ Strained Anglo-American relations during the Civil War and suspicions of Confederate sympathies in British North America militated against continued reciprocal trade arrangements.²⁴ Efforts by Lord Lyons, the British Minister at Washington, to stem the tide of trade restrictions were unavailing.²⁵

With the abrogation of the Reciprocity Treaty by the United States in 1866, Canada exerted immediate pressure to try for a renewal of the trade agreement. Initially, Canadian efforts took the paradoxical form of allowing liberal access to the

fisheries in the hope that the Americans would respond with a similarly generous spirit in their tariff policy. The colonial secretary, Cardwell, acknowledged to Monck, who was governor general at the time, that it was "understood that reciprocal trading privileges and freedom of the fisheries were inextricably interwoven".²⁶ Frederick Bruce, Lord Lyons' successor, proved unable to repeat his brother's successful diplomatic coup in winning a reciprocity deal;²⁷ too much had changed since Lord Elgin's mission.

The expectation among leading American statesmen that all of North America might one day be united had a distinct bearing on their diplomatic approach. Perhaps the most outspoken advocate of this view was Senator Charles Sumner, who chaired the Senate Foreign Relations Committee. Sumner was heavily influenced by British advocates of "little Englandism" and was convinced that the loss of reciprocity, and anti-imperial sentiment in Britain and the colonies, was leading inexorably to a break between Canada and the empire.²⁸ In April 1869 Sumner denounced in the Senate the idea of a convention to settle the *Alabama* claims. The damages, which he estimated at two to eight billion dollars, could be paid by handing over the North American colonies. Senator Zachariah Chandler agreed, arguing that Britain was liable for half the cost of the Civil War.²⁹ The American Secretary of State, Hamilton Fish, found in November 1869 that President Ulysses S. Grant favoured delay in settling claims relating to the *Alabama*. The matter would be better left until Britain was willing to give up Canada, Grant urged.³⁰ Lisgar rejected the idea that Canadians were eager to sever the imperial connection; "all I have been able to observe points to the contrary conclusion."³¹

Confident American expectations that the British provinces would ultimately come into their orbit, even if misinformed, made Canadian overtures toward a new reciprocal trade deal especially difficult. Informal preliminary talks in 1869 between Fish and John Rose, Canada's finance minister, proved abortive.³² The Canadians had not been optimistic; the President's Address provided advance evidence of a strong protectionist climate. But Fish's activities in the meantime had added insult to injury. He had Edward Thornton, Bruce's successor, inquire of the Foreign Office whether Her Majesty's government would impose any obstacles should the North American colonies wish to separate. Fish admitted to Thornton that high tariffs were

a "legitimate means of coercion" to induce Canadians to join the United States.³³ John A. Macdonald was indignant at Fish's "impudence" in proposing that a free vote be taken in Canada on annexation.³⁴ Overtures toward reciprocity having been rebuffed, the Canadian government imposed new retaliatory duties that Spring on certain articles, including coal, salt, wheat and meal. These measures drew objections from the British Board of Trade, which expressed concerns that Canada's precedent might be followed by other colonies, and that new Canadian tariffs would provoke retaliation against Britain.³⁵

With the collapse of the system of free American access to the inshore fisheries which had existed under the Reciprocity Treaty, Canada levied fees of fifty cents per ton of the vessel. Royal Navy officers were instructed to give three warnings before seizing any vessels in violation of the law, a provision that effectively nullified the system. At the start of the 1868 season Canada raised the licence fee to two dollars, and determined to reduce the warnings. Further, the Dominion government implemented a marine police force to protect Canada's inshore fisheries from encroachment.³⁶ Faced with rampant American disregard for the system, and wishing to apply greater pressure for reciprocity, Canada's government decided in January 1870 to abolish licences and exclude foreign fishing vessels outright.³⁷ The prospect of Canada taking a stance calculated to provoke the Americans caused some alarm in the British government. Lisgar was required to communicate stern instructions from the British Admiralty which, he advised the colonial secretary, were regarded in Canada as "the virtual abandonment of all power to enforce Canadian Fishery rights". There was even a possibility the cabinet might resign, he warned Granville. After several meetings with the Canadian minister of marine and fisheries, Peter Mitchell, Lisgar reported that the minister would probably recommend compliance under protest and for a limited time.³⁸ Despite the Canadian government's determination to enforce a strict policy, Lisgar believed they were being very moderate and reasonable. The seizures of American vessels that had taken place were "strictly within right and beyond challenge".³⁹ The Canadian police vessels, he insisted, were acting "so cautiously within their due limits, that I hope no American complaint will be sustained, though Congress seems to address and endorse every idle statement that is made to it". Lisgar explained that the cabinet

wanted a clear statement of advice they were receiving from Britain, so that they would “have it on record, when the opposition attack them in Parl[iamen]t that they have not lightly abandoned the rights of Canada”.⁴⁰

Canadian forbearance was made all the more difficult by the continued menace of Fenian raiders from south of the border. Despite growing resentment about the failure of the United States to check Fenian activities, Canada was urged to be lenient in treating raiders captured on Canadian soil. The avoidance of “bad blood” was “entirely for the interest of Canada”, Frederick Bruce had urged earlier.⁴¹ Kimberley invited the Dominion government to draw up a statement about the Fenian threat, but cautioned Lisgar that the tone of previous communications on the subject should be tempered. “A lecture of that kind”, he admonished, “addressed to a foreign nation would not *increase* the chances of a satisfactory settlement of grievances.”⁴² A few days later Kimberley again explained to Lisgar that, while natural, Canadian irritation toward the United States “does no good”. “When you have to deal with a powerful and most unreasonable nation such as that...the first requisite is to keep one’s temper. We shall do the best we can for Canada,” he assured him, “but the Canadian Gov[ernmen]t must make *some* allowance for the inherent difficulties of the case”.⁴³

During the course of the same summer, Kimberley, who was now secretary of state for the colonies, met with Alexander Campbell, Canada’s postmaster general, to discuss the proposed withdrawal of troops, Fenian invasions, and the fisheries.⁴⁴ Kimberley expressed dismay at the tone of a document prepared by the Canadian cabinet minister on the fisheries question, but reflected later that “in one sense if produced it might be useful as showing the US Government that we have our violent men to deal with as well as they.”⁴⁵ Campbell’s mission to England was significant in that it allowed Canada’s cabinet to express their views directly to the secretary of state. Campbell agreed with Kimberley that it was unwise to mix the fisheries and reciprocity questions, since a renewal of the treaty was unlikely.⁴⁶ Revealingly, Campbell admitted that it was unrealistic to use the fisheries to try to force a renewal of reciprocity. Any hopes that Britain would support a hard line policy of excluding the United States from the fisheries were sure to be disappointed, however.

Early in September Thornton visited Ottawa and Lisgar was pleased to give him the opportunity of conferring directly with the Canadian cabinet. Regrettably, Macdonald was ill, but Sir George-Etienne Cartier and Charles Tupper were present. Since Tupper was "intimately acquainted with all the bearings of the Fishery question and the wishes of the people in respect to it", he was able to "put Sir Edward fully in possession of the views of the Canadian Ministry". Lisgar ventured that all questions could be put to rest if the United States would agree to a commission, but had little hope that they would do so.⁴⁷ He feared that "nothing will satisfy the U[nited] States... but... being placed on an equal footing with the Canadians [in the fisheries], without payment,... and continuing at the same time to exclude Canadian fishermen from the U[nited] States markets". The American newspapers were even counselling fishermen to arm themselves and resist the Canadian schooners, Lisgar reported.⁴⁸

Although Lisgar characterised Canada's policy of exclusion as justifiable, and believed enforcement was being delicately handled, it is probable that Canadian policy would have been more conciliatory if Macdonald had been fulfilling his usual leadership role during the summer of 1870. Joseph Pope, Macdonald's secretary, attributed Canada's more hard-nosed policy to the prime minister's illness. When Macdonald's "restraining hand was no longer felt," he explained, "Canada's despatches took a loftier tone, and a vigorous policy of exclusion was decided on. On Sir John Macdonald's resuming command in October, more moderate counsels again prevailed."⁴⁹ At that time Macdonald assured Lisgar that, while council had discussed the idea of excluding American fishermen, "we will not for the present enforce any such exclusion". He admitted that "Council had been going too fast" and promised that "there was a way out of the difficulty."⁵⁰ Lisgar assured Kimberley that Macdonald's desire for a good understanding with the United States was "his own view and conviction of what is best in the interests of Canada, and not merely taken up at my instance or in deferring to instructions from home". Nevertheless, he warned, if Canadians were not allowed to exclude foreign fishermen, they would "consider themselves badly used by the British Government and relapse into the ill temper from which they are gradually recovering".⁵¹ Lisgar also explained Canadian views on the latest developments concerning the Fenian

threat. The American authorities, seeking to win favour with Irish-American voters, were preparing to release a number of Fenian convicts, an action that Canada regarded as distinctly unfriendly.⁵²

Late in October 1870 Lisgar sent a private letter to Kimberley in which he summed up the fisheries situation as he saw it. The Canadians, he explained, sought not “the mere protection of their own fishery rights... but a reconquest of the advantages they enjoyed under the reciprocity treaty”. They hoped by annoying the Americans over the fisheries, they would compel a renewal of the treaty, or at least gain more advantageous commercial arrangements. The United States, he believed, had ended the treaty with Canada in the hopes of “starving her into annexation”. The American object “has signally failed of attainment, and that which the Canadian Gov[ernment] is now pursuing is also certain to fail”. Lisgar found, however, that as much as he attempted to convince his cabinet that they would not be able to use the fisheries as a lever to dictate American commercial policy, “it is useless to argue with them on the subject—they reply—‘the fisheries are our trump card’... ‘they got us reciprocity before, and if we manage them properly now, they will get it for us again’”. Lisgar recalled that “the only time that Sir J. A. Macdonald spoke warmly and abruptly to me on any subject” was during a discussion of the fisheries. The governor general had argued that sentiment in the United States in favour of protectionism was too entrenched, and that the British government would not support them in any plan to provoke the United States into a settlement.⁵³

Convinced that excluding the Americans was not a practical option, despite Canada’s right to do so, Lisgar approached Thornton early in November about negotiating an agreement. “Nothing less will produce peace”, he explained to Kimberley. He pointed to some encouraging signs in the United States, and also expressed his view that the Canadians would accept less than they would have insisted upon before, since they have found “they cannot count on the full support they expected to receive” from Britain.⁵⁴ Lisgar provided Thornton with details of current tariff levels in both countries on various natural products and asked him to make quiet inquiries.⁵⁵

While Thornton found the Americans intransigent on the tariff question, he was encouraged by Lisgar’s letter. Lisgar’s belief that a resolution could be reached

was “concurred in at least by Sir John A. Macdonald”, Thornton reported to Granville. Thornton himself agreed that Canada “would do well to get rid, on the best terms they can obtain, of a right which cannot but involve them in quarrels and ... expense”.⁵⁶

Lisgar then took a major step on his own initiative to help resolve the issue, a step which led to future historical criticism. He wrote to Thornton again, emphasising that his private letter was unofficial, and not intended to bind the Canadian government. He inquired, however, “in plain words, what...[the United States] will give for the privileges and facilities which they require in regard to the inshore fisheries”. Lisgar confessed that he personally despaired of any agreement to lowering the tariff; there were “so many interested parties averse to that course”. Besides that, “reciprocity treaties are vicious in principle and liable to many objections—each side thinks the other has the advantage”. He could not help thinking that “it would simplify the transaction if we could lay aside all reference to the Tariff and if the U.S. would say what annual sum it would consent to pay in order that its citizens might have free access as under the reciprocity treaty to the Canadian inshore fisheries for say the next ten years—or better still, twenty. Will they give two hundred thousand dollars a year?” Lisgar acknowledged probable objections to the sum named, but included calculations to show that the privilege was “well worth that”. Lisgar reminded Thornton that he had already indicated his view that the tariff concessions the United States had proposed on lumber, fish, coal and salt as a basis for negotiation were not deemed to be very valuable to Canada. If, however, “the U[nited] States authorities can see their way to making relaxations” on animals, grain, flour, ore and wool, this “would greatly smooth difficulties”. He assumed further that the Americans would confirm the right of Canadians to carry goods in bond on the railways to Portland Maine. Lisgar ridiculed Congressman Benjamin Butler’s argument that, even if Canada had the right to exclude the Americans, it was not kind or neighbourly to do so. A man with a well-stocked cupboard was not expected to leave the key in the door so that his neighbours could help themselves, he countered. “He is reputed kind and neighbourly if he ...lets them have all they want at a moderate price”. The Canadians, he cautioned, might not be willing to treat the fisheries separately from the reciprocity question, but if the Americans made

a reasonable offer, the imperial government would be fully justified in pressing for its acceptance.⁵⁷

Thornton, having found Fish unyielding on the question of tariffs, broached the topic of a money payment for freedom of the fisheries. "I threw the idea to Fish as from myself", he explained to Granville. "He pondered over it a minute or two, and then said he was afraid Congress would not sanction any such payment just now, because the people of the United States were so much irritated by the conduct of the Canadians towards the United States' fishermen during the season just ended". Thornton noted, however, that Fish did not seem "entirely averse" to the idea of pecuniary compensation, but believed that the present state of feelings was against it. At the end of the conversation, Fish remarked that the United States might keep the compensation money as a part payment toward the *Alabama* claims.⁵⁸

By this time, the British cabinet had learned of the shifting winds in the Canadian cabinet; Macdonald's return would "help to smooth matters", Kimberley ventured. Supporting Canada in a retaliatory policy against the United States was never an option, and now that "we have a black diplomatic storm from the Russian quarter", "I need hardly say that this does not render it *less* necessary to avoid complications in America".⁵⁹ Even with Macdonald back at the helm, Kimberley advised Gladstone that any move to withdraw the imperial garrison at Quebec had better be left until a more expedient time. Removal would cause excitement and irritation in Canada, he explained, and would produce an unfavourable impression in the United States, "who will construe it into an abandonment of Canada, just when she is menaced by the Americans".⁶⁰

Lisgar himself was becoming increasingly optimistic that an agreement could be reached, given his reassurances from Macdonald. He had had, he told Kimberley "a good deal of conversation" with his ministers of late on the topic of the fisheries. There were some, he admitted who were "inclined to stand out"—the French were among the least tractable—"but what the Council as a body want is to make the best case they can for themselves and their constituents—and save themselves harmless with the Canadian Parliament".⁶¹ An experienced parliamentarian himself, Lisgar knew that the issue was more complex than simply securing the best deal for Canada. Any arrangement reached on Atlantic fisheries, and tariffs and trade, could expose

the essential disparity in economic interests that Confederation had papered over. As any agreement was certain to be unpopular with at least some sectors of the country, and an election was due before September 1872,⁶² the Conservative party was loath to be held accountable for any policy. British pressure to settle with the Americans might be resented, but at least it provided a target for resentment that would not be vented at the polls.

Lisgar's optimism was not, however, based on finding any more evidence of a reasonable spirit among the Americans. If there had been any abatement in the tension that the Civil War provoked, the firm measures Canada took to enforce the 1818 Convention during the 1870 fishing season almost certainly renewed them. Lisgar clipped American newspapers that told of the inflammatory speeches given by Congressman Butler to his New England constituents and his advice to fishermen to sink British cruisers.⁶³ Thornton, too, reported that anti-British feeling was still strong and that the influence of the fiery Charles Sumner would likely be an obstacle to any settlement. Hamilton Fish told Thornton that he had received a number of indignant and insulting letters from Sumner, and had begun to wonder if Sumner was going mad; suicide was a frequent theme in his conversations.⁶⁴ Fish himself seemed to betray some bitterness toward Canada and the imperial government, the British minister noted. This was especially apparent after the governor general declined to release a Fenian prisoner in accordance with American wishes. Fish seemed, in fact, to associate the alleged anti-American sentiment in Canada with Lisgar personally, and complained that Lisgar's elevation to the peerage demonstrated that Her Majesty's government approved of this unfriendly spirit.⁶⁵ Fish rejected Thornton's argument that Canadians sought only to protect their fisheries; the real object, he insisted, was to be unfriendly to the United States and force them into a new reciprocity treaty.⁶⁶ President Grant's position was also "curious", Lisgar reported to Kimberley. Grant acknowledged that there had been no violations of the 1818 convention, but still asked Congress for powers to be used if retaliatory measures became necessary. The President's tone, and the multiplication of recent conflicts over the fisheries, "convince me we shall never find rest except in a total surrender—i.e. in letting every one fish where he pleases upon or without conditions".⁶⁷ This "total surrender", it must be stressed, was meant to avoid the ineffective, expensive,

and potentially provocative need to police the fisheries against American intruders. Lisgar was firm in his conviction that this must be avoided. Since the Americans were determined to have the use of the fisheries, and Canada was unwilling or unable to keep them out, he sought to negotiate the best compensation he could for Canada's surrender of the privilege.

In his bid to find ways in which the stalemate could be resolved, Lisgar suggested to the colonial secretary that the surrender of the fisheries could be used as a "make weight" in adjusting the *Alabama* claims. He reported that Americans had estimated losses from the *Alabama* at thirteen million dollars, "greenbacks I presume", but also that they claimed "something more—moral or material—to salve their wounded feelings". In making this suggestion, however, Lisgar was not proposing that Canada should pay the price for settling British diplomatic scores. He made it clear that Britain would then have to settle with Canada for the fisheries, and the Americans would have to guarantee Canada's liberty to convey goods in bond as before. He marvelled that the President of the United States could assert a right to use of the Welland Canal, which was constructed at Canadian cost on Canadian ground. If, however, Canada made the canal improvements already contemplated, at an estimated cost of £260,000, the Americans might be granted liberty to pass in exchange for a free or low duties on Canadian grain, animals, wool and ore. Lisgar's experience had convinced him that these were the natural products on which Canada most desired American tariff concessions. Alternatively, if the Americans were unwilling to assent to free admission of those natural products, Canada might accept an arrangement whereby the coasting trade on the Great Lakes were opened. Britain could also offer to spend the £ 260,000 necessary for canal improvement in exchange for using the fisheries to help settle the *Alabama* claims. Thus two matters could be settled, he explained: the fisheries and the St. Lawrence canals, and Britain would only have to pay three quarters of a million pounds spread over several years. As a means of settling all outstanding differences with the United States, he urged, "it would be money well laid out". It was his opinion that Canada would accept a reasonable payment, especially if "she was assured she was listening to the Counsels and carrying out the policy of the Mother Country."⁶⁸ Kimberley eagerly shared Lisgar's letter with Granville at the Foreign Office and pronounced the scheme

“ingenious”. He wondered, however, if it was wise to let the Americans know that they were prepared to surrender the fisheries to settle the *Alabama* claims. There was some question, he reminded the foreign minister, as to whether Britain was liable at all, and this should probably be settled before any compensation was proposed.⁶⁹

As the year drew to a close, Lisgar continued to busy himself with the intricacies of the fisheries question and kept Thornton abreast of his behind-the-scenes work. Thornton approved wholly of Lisgar’s ideas and, despite the governor general’s admonition that his proposals were unofficial, doubted if Lisgar would have made such suggestions even privately unless it was likely that they would be acceptable to the Canadians.⁷⁰ Lisgar provided Thornton with calculations of the value of mackerel caught by Americans in Canadian waters, showing how he had arrived at the proposed compensation figure of \$200,000 per year. Lisgar was interrupted while writing to Thornton by a visit from Charles Tupper, and reported that Tupper said “Canada ought not to accept less...than a rent or tribute of \$200,000 a year—and the admitting free of duty into the U.S. of fish of all kinds” as well as other products of the sea. Tupper’s position might be considered “the outside Canadian view”, Lisgar explained, but numerous prominent commercial men had also spoken in favour of a money settlement to end the dispute. Further, Lisgar had discussed the matter over with “several of the best men of my Council separately” and explained his views fully. Nevertheless, the council was unwilling to initiate any offer and protested that it was useless to do so, since “the U.S. people will haggle and chaffer and try to beat them down”. Lisgar cautioned Thornton not to mention either his name or Tupper’s in any proposal. He expressed considerable confidence in Tupper, however, as “one of the most eloquent and earnest politicians in the Dominion” who “knows as much about the Fisheries as anyone”. Lisgar maintained that “in the best of my judgment the terms he proposes⁷¹ as stated above are fair and right”. The United States would gain many advantages, and unless “they deliberately mean to bully and cheat the Canadians out of their just rights, they will at once accept the terms mentioned”. Lisgar concluded by hoping that the suggestions he conveyed could be used as the basis for an American proposal, and hinted that such a

proposal would likely find acceptance in Canada, especially if imperial pressure were brought to bear.⁷²

The idea of a commission to settle outstanding issues,⁷³ including access to the fisheries, gained momentum early in 1871. Sir John Rose was sent by the British Foreign Office to the United States to make unofficial inquiries as to American willingness to enter into negotiations.⁷⁴ While Rose had been a member of Macdonald's cabinet, his allegiances were apparently suspect in the eyes of some in Canada, since he now lived in London, and had personal business interests that coloured his views. Rose reported to Thornton that upon visiting Canada after his trip to Washington "he was very ill received". "There seems to have been an idea", Thornton explained to Granville, "that he had been secretly and without consulting the Canadian Government, negotiating with Fish relative to the fishery and all other questions... and sacrificing Canadian interests for the sake of settling all disputes between the Imperial Gov[ernment] and the United States". Rose requested that Thornton telegraph Lisgar to clarify that he had not been in any discussion about the fisheries. This did not have the desired effect, Thornton admitted, "and Rose told me that Lord Lisgar was colder than ever he had been before; nor has he taken any notice to me of the Telegram. I hope however that as the exact truth has become known, this feeling has been effaced".⁷⁵ Rose also remarked on the fact that Fish had recalled that the choice of Lord Elgin as emissary in 1854 had given great satisfaction to the Americans. Rose wondered to Granville if the gesture should be repeated by sending Lisgar to treat with the Americans, something he believed would be "an expedient and gratifying move".⁷⁶ One historian attributed the decision not to pursue this idea to Canada's new sense of nationhood. Representation solely by imperial authorities, while appropriate in 1854, would not have been considered fitting for the new dominion.⁷⁷ This may indeed have been a consideration, but Rose may not have been aware—as Granville was—that there was another ground for objection to Lisgar as commissioner: Fish's conviction that the governor general was hostile to the United States.

In January 1871 Kimberley advised Lisgar that the British government had broached the topic of a joint commission with the United States. Canadian representation would be indispensable, he insisted, proposing that both Macdonald

and Rose serve. Among matters to be settled was “the general question whether the U.S. will purchase from Canada the right of fishing in Canadian waters by a money payment or any other equivalent”. “You may assure Sir J. Macdonald”, Kimberley stressed, “that we have every intention to uphold the just rights of Canada” and added that, for his own part, he believed Canada’s position was excellent “as far as right is concerned”.⁷⁸

Unfortunately, just as the idea of a money payment for access to the fisheries was being openly discussed in the British cabinet as a basis for negotiations, Lisgar found that support for it in Canada was crumbling. On 11 January 1871 he had confidently asserted that “the Can[adia]n Ministers, though at first averse to it, have well nigh all come round to it”. There seemed, after all, “little prospect of obtaining anything like a reciprocity treaty on fair terms”. Lisgar visualised the money payment as a substitute for the licensing system, which had proved unenforceable. “Instead of each fishing vessel taking out a separate licence”, he explained, “let the U[nited] States authorities pay a lump sum for a general licence”. There was still, he acknowledged, some discussion in the Canadian cabinet about what was in fact a fair price.⁷⁹ By 26 January, however, conditions had changed and Lisgar reported that his ministers were now retreating from the idea of a money payment: “they are in excessively bad humour about the fisheries just now”. “Three weeks ago several of the leading men told me a settlement might fairly be made by accepting a money payment or annual tribute from the U[nited] States for the admission of their fishing vessels to the inshore fisheries”, he explained, “but now they have entirely receded from that point, and nothing less is talked of than all the advantages and facilities contained in the former reciprocity treaty”. He still hoped that “this storm will blow over”, but advised Kimberley that the ministry had been upset by the Colonial Office’s recent support for Prince Edward Island’s unilateral policy of allowing Americans to trade in port contrary to Canadian interpretations of the 1818 convention.⁸⁰

Plans for a joint commission moved ahead very quickly, and within weeks possible participants were mooted. John Rose, whom Granville had described to Gladstone as part of his “beau ideal” of a commission,⁸¹ was vetoed by Canada. His American business interests posed a potential conflict of interest and objections were

raised that he was no longer resident in Canada.⁸² Fish was reportedly deeply disappointed that Rose was not to be a member of the commission.⁸³ John A. Macdonald wrestled with the offer of a seat on the commission, confessing to Lisgar that he was “a good deal embarrassed by ... not being able to communicate with my colleagues on the subject”. He considered the alternative of having no direct representation for Canada, and allowing Canadian interests to be settled by others. “The government here would be very much censured if the result were a sacrifice of the rights of the Dominion”, he speculated, and Britain would be able to say that the offer of representation was declined. At last he advised the governor general that if his colleagues consented, he would act.⁸⁴ Lisgar confided to the colonial secretary that he had feared his cabinet would refuse permission to take part in the commission. “This course would have been more in accordance with the previous declarations of a majority of the members of the Council”, he acknowledged, but “fortunately more acceptable counsels have prevailed” and Macdonald agreed.⁸⁵ Lisgar admitted that he had “exerted myself to persuade Sir J.A. Macdonald and win over the Council” about participation in the joint commission.⁸⁶ Macdonald was reassured by the former governor general, Lord Monck, that he would find the British head of the commission, Lord de Grey—“a very old & valued friend of mine”—“very agreeable”.⁸⁷ Lisgar was more stinting in his praise, warning Macdonald that de Grey “is, I fancy, a man of whom greater expectations than he has realized, were formed in early life”.⁸⁸

Privately, Kimberley expressed his relief to Lisgar that Macdonald had agreed to act. His appointment would show, he hoped, “that we are desirous of giving Canada every opportunity of making out her case and exercising her due influence”. He was sorry to hear that Canada was “out of humour with the Home gov[ernmen]t” and protested that “as far as I know we have given them no cause for it. We are perfectly ready to support the just rights and claims of Canada, but ... we cannot give her our countenance and aid in a retaliatory policy” simply because of the termination of the reciprocity treaty. The Canadian minister of marine, Peter Mitchell, “seems to be a sort of Canadian ‘Butler’”, Kimberley noted. “It is a pity his colleagues cannot restrain him”.⁸⁹ Thornton was also pleased that Macdonald was to represent Canada’s interests, but hoped that de Grey would “impress upon the

Canadian government the necessity of not making demands which will profit them but little, and cause irritation in the United States".⁹⁰ The Canadian government had meanwhile been reassured by telegram that, while Britain declined to make any pledge before undertaking negotiations, "we think the right of Canada to exclusive fishing within [the] three mile limit beyond dispute, and only to be ceded for adequate compensation".⁹¹ With the joint high commission pending, Kimberley put the position of Her Majesty's government on record in a despatch in which he reiterated the principle expressed in the telegram. He offered his opinion that "should this consideration take the form of a money payment, it appears to Her Majesty's Government that such an arrangement would be more likely to work well than if any conditions were annexed to the exercise of the privilege of fishing within the Canadian waters". He cited the expense inherent in keeping a number of cruisers to enforce any exclusion, and the inevitability of disputes.⁹²

The joint high commission commenced on 27 February 1871. The two most important issues were deemed to be the settlement of the *Alabama* claims and the inshore fisheries. The other questions—the San Juan boundary, navigation of the St. Lawrence, and compensation for the Fenian raids—were deemed to be subordinate. The fisheries issue was to be tackled first.⁹³

John A. Macdonald wrote detailed accounts of the commissioners' activities to Tupper in Ottawa. He reported that de Grey came to see him at his hotel on Sunday 5 March to discuss a conversation he had had with a "leading statesman" in Washington. This statesman—almost certainly Fish—insisted that the United States did not question Canada's right to the fisheries, but were prepared to pay for them. De Grey indicated at this time that, while he had no instructions on the matter, he would submit any proposal to his government. At the same time, he asked if the United States were willing to renew the Reciprocity treaty. He was told that it was unlikely Congress would sanction such a move, and that the basis for negotiation would likely have to be a money payment. When de Grey reported this to Macdonald, the Canadian prime minister demurred, explaining that "we had not even taken into consideration any other equivalent" except "enlarged commercial intercourse in the direction of reciprocity". He did not know how such a proposal would be received, he cautioned, but a surrender of fishing rights "for all time to

come” was out of the question. “Any surrender must be for a term of years renewable by either party, or, what would be preferable, for an unspecified period, but liable to be terminated by either party”. Macdonald indicated to de Grey that he would sound his council on the matter, and he wrote to Tupper to get his views on what compensation would be acceptable, supposing reciprocity was refused.⁹⁴

This episode seems to have been the basis of Donald Creighton’s intimation that Lisgar had worked behind Macdonald’s back to try to force a settlement that was unsatisfactory to Canada. Creighton recounted the informal conversation Fish had with de Grey in which the offer was made, and concluded that “it was this astounding piece of information which had sent de Grey hurrying down to the Arlington Hotel that Sunday morning”. Macdonald, according to Creighton, “heard the news with surprise and disquiet. Where, he wondered, had this embarrassing notion of the sale of the fisheries come from? Who had suggested it?” Macdonald was ignorant of the fact that it was the governor general who had made the proposal, Creighton claimed.⁹⁵ Yet far from being “astounding”, the notion that Americans be granted access to the fisheries for a monetary equivalent had been a long-standing alternative. Lisgar’s proposal, in which he believed he had the concurrence of his ministers, was not an eleventh-hour attempt to circumvent Canada’s agenda, but a discreet inquiry made to the British minister at Washington months beforehand. Canadians hoped for reciprocity, but were aware that protectionist sentiment in the United States was deeply entrenched. Even the previous September, Alexander Campbell, representing Canada’s privy council, had acknowledged to Kimberley that they had come to that conclusion. Further, Macdonald’s letters to his colleagues in Ottawa immediately after this incident do not betray any sign that he was in any way discomfited by what had transpired. In a brief letter to Alexander Campbell the very next day he reported that we “have made some progress”. A few days later, he offered his opinion to Cartier that “Lord de Grey is doing his work very well, and I do not think that there is the slightest desire to sacrifice Canada or her interest in any way in the minds of any one of the Commissioners.”⁹⁶ Macdonald did characterise Lisgar’s earlier proposal to Thornton of a money payment for the fisheries as “somewhat indiscreet” but urged cabinet minister Francis Hincks not to mention it to any of their colleagues, since “some of them are not very friendly with the

G[overnor] G[eneral]”. Macdonald did not suggest that this proposal would have compromised the negotiations in any way, and only concluded that “the disappointment will... be great when we refuse to deal with the subject in that light and Mr. Fish will naturally, I fear, feel [?] hurt”.⁹⁷ Macdonald’s show of surprise in front of de Grey at the idea that Canada should have to settle for anything less than reciprocity must be treated with a degree of scepticism. He was, after all, in the midst of difficult three-way negotiations, trying to win his case with both the Americans and the British. Macdonald, whom no one could accuse of naivety, knew that the British were eager to conclude an agreement and that there would be opportunity to extract concessions from them if Canada gave way.

Compensation to Canada was already being discussed with respect to the Fenian raids, an issue the Americans adamantly refused to place on the agenda at Washington.⁹⁸ Even if it was decided not to pursue a claim with the Americans, Kimberley reminded Granville, the option still existed for Britain to satisfy Canada and then “prefer the claim ourselves” as principals, and not merely as “seconds” to Canada. “A little grease to the wheels in the shape of compensation for the Fenian raid might enable us, if applied at the crisis of the negotiation, to drive in the right direction.” Kimberley cited Canada’s “bad temper” over the fisheries and expressed his fear that at the present moment “the Canadians think they can have everything their own way.”⁹⁹ The Canadian cabinet had already been thinking in terms of compensation from Britain as part of the bargain to be struck. In February 1871, Francis Hincks confided to Macdonald that “you may be in a position to get England to aid you by agreeing to guarantee a large 3 1/2 % loan”. This could “help *to reconcile the west* to the loss of reciprocity in bread stuffs & livestock which I apprehend for the present to be unattainable”. If, on the other hand, reciprocity or something close to it was achieved, “then you could put your demand for guarantee on the ground of the necessity of conciliating the Maritime provinces for any fishing rights surrendered”.¹⁰⁰ Macdonald considered the exclusion of the Fenian claims at the conference to be the result of “diplomatic blundering” on the part of Thornton, Rose and Granville. He reflected later to Lisgar, however, that “it is rather fortunate for Canada that this mistake has happened as I fancy we would have got but a small award if any [from the United States].”¹⁰¹

Before the commission had begun, Lisgar, at the request of the Canadian cabinet, sent a cypher telegram to the Colonial Office confirming that "Canada considers [the] inshore fisheries her property and that they cannot be sold without her consent".¹⁰² Kimberley was quick to offer his reassurance that "We never had any intention whatever of selling the inshore fisheries of Canada without her consent."¹⁰³ Now, facing pressure from the British members of the commission to accept a sale, and preferably a sale in perpetuity, Macdonald reflected to Tupper that obtaining the telegram had been "a most fortunate thought". Macdonald responded to pressure from de Grey by producing the telegram, "which was a floorer", he wrote triumphantly.¹⁰⁴ A few days later, he was able to report that he had succeeded in getting the British commissioners to agree that a clause should be inserted into the treaty that provisions concerning the fisheries would have to be ratified by the Canadian parliament. On the face of it, this was a personal *coup* for Macdonald, and a step forward in Canadian autonomy, but it did bring with it additional complications. Macdonald acknowledged to Tupper that it placed him in "an exceedingly embarrassing position". If the other British commissioners accepted terms of which he disapproved, he would have to consider whether to protest and withdraw, or trust to the Canadian parliament to reject the terms. Any apparent discord among the British members of the commission could be exploited by the Americans, yet Macdonald did not relish the idea of being charged in Canada with sacrificing the Dominion's interests.¹⁰⁵

Lisgar, meanwhile, was dismayed by the growing intransigence exhibited by his Canadian ministers. He confessed to Kimberley that he had been "rather surprized" at the "violent spirit" that had "completely possessed the Council". The change of tone and purpose on their part was complete, he insisted. "It may be, as the opposition is pressing them about the Fisheries, that they are only seeking to make political capital and establish a case for themselves with the constituents next year at the general election", he explained. He sent copies of the Commons debates to the colonial secretary so that he could see the strong terms that had been used, especially by the opposition. Lisgar also stressed that Canadians viewed American speeches in a different spirit than did the British, seeing them not "as earnest utterances to be followed up by action", but as "big words, tall talk... used for the

purposed of extorting concessions from neighbours". Lisgar lamented that he had found it vain to argue against such convictions. "No Canadian believes in the sincerity or earnestness of the U.S.' threats and blustering". But what was more, "the inclination is to resort to the same weapons, as I cannot help thinking is the case in the present instance of the tel[egra]m about the Fisheries".¹⁰⁶

Lisgar, aware of the pressure Macdonald was facing from his Canadian cabinet, used what influence he could to convince him not to adhere to a stubborn, and ultimately futile, course of action. He reminded Macdonald of the many "powerful cliques" in Congress opposed to a renewal of reciprocity, and of the necessity of keeping on good terms with the Americans. "If any angry complications arose", he cautioned, England "must pay the piper; even a preparation for war without war would cost more than the fisheries could fetch in any market". If an arrangement were made for a limited period, "time may be given for the subsiding of the dregs and muddiness, the protectionist theories, which the Civil War sea threw up to confuse and blind men's eyes". In a few years, he predicted, the American public "will see their interests clearly and get rid of the incubus of their unwise tariff".¹⁰⁷

Lisgar's counsel did not prevent the Canadian cabinet from flatly refusing to accept an American offer to remove tariffs on coal, salt, mackerel, herring, and cod, with lumber also free of duty after July 1876. Macdonald was informed that council considered the terms offered "so inadequate" that "no Government could carry a proposal so obnoxious to the people through our Parliament".¹⁰⁸ Macdonald acknowledged to de Grey that "as it appears that the United States Government will not return to the free-trade arrangements of the Treaty of 1854, some other equivalent must be sought. The only one that suggests itself to me is a substantial payment in money in addition to the admission of the four articles referred to [coal, salt, fish and lumber], free of duty."¹⁰⁹ The British commissioners accordingly submitted a counter proposal that lumber should also be admitted free immediately and a cash payment made to Canada if tariff concessions on other products were refused. The United States not only refused this proposition, but withdrew the former offer.¹¹⁰

While the impression has sometimes been perpetuated that the British commissioners treated Canadian concerns as an annoying addendum to the real work

of settling outstanding Anglo-American differences, it should be noted that more time was devoted to the fisheries than any other issue the commission addressed. Seventeen sessions were concerned with the fisheries, as opposed to the ten devoted to the *Alabama* claims and four to the San Juan boundary.¹¹¹ Further, whatever differences existed between Macdonald and the other British commissioners, the delegation maintained a united front in the presence of the Americans. Privately, de Grey warned Macdonald that Britain would not be disposed to help Canada insist upon terms that were thought excessive or unreasonable, but it seems that no hint of this discord was betrayed to the United States commissioners.¹¹²

Thornton shared Lisgar's impression about the Canadian position in negotiations. "In this triangular duel", he wrote to the foreign secretary, "it is somewhat difficult to give satisfaction to both Canada and the United States, when each side has such exaggerated pretensions". Like Lisgar, Thornton also expressed his surprise and disappointment that the Canadian council should have instructed their extreme objection to a money payment. His correspondence with Lisgar had led him to expect they would accept such a proposal, even though Lisgar did say the idea was his own. "I cannot but suspect that the Canadian Government are now opposing it under the impression that the Imperial Government will bring pressure to bear upon them, thus saving them from a [part?] of the responsibility of accepting the proposal", he speculated.¹¹³

Lisgar's private letters to Kimberley expressed similar views and explained the climate of ill temper in parliament over the fisheries that helped account for Macdonald's apparent intransigence. Most of the council was reasonable, "but they are overborne and outtalked by colleagues of narrow views, and all have the same interest of making as strong a case for themselves as possible in the eyes of the public and parl[iamen]t". Lisgar maintained that the best course was for Britain to advise Canada "authoritatively" that "we consider such and such terms fair, you must accept them as a settlement". If it were put that way, Canada "will do so", he believed – "not perhaps without a protest for parliamentary reasons, but with a tolerable good grace, and no lasting displeasure".¹¹⁴

Macdonald wrote freely to Lisgar about the difficulties of his role, knowing that Lisgar would communicate these impressions to the other British

commissioners. While he was not an experienced diplomat, *per se*, Macdonald knew that he had nothing to lose by playing up the likelihood that Canada would balk at the treaty if the terms were not sufficiently generous. "I am not in a very enviable position as I stand alone", he wrote to the governor general. "The Americans are constantly depreciating the value of our property, and making absurdly low offers", he complained. His British colleagues, "in their anxiety for a settlement, are constantly pressing me to yield.... Were it not for the answer that I have at hand [a telegram from the Canadian privy council] that there is no use in my assenting to an arrangement which will not subsequently be ratified, I should have no protection."¹¹⁵ For his own part, Lisgar was not fooled by the ruse of the telegram. "Sir J. A. M[acdonal]d telegraphs daily to his colleagues for instructions—that is—he tells them the instructions he wishes to receive and they send them in accordance", he confided to the colonial secretary. Lisgar regarded Macdonald as "a very able man, full of resource and knowledge", but found him "strangely susceptible not to say timid as to the effect of his doings on the parliamentary support he may receive". He wondered at Macdonald, "clever as he is", allowing himself to be led by inferior colleagues.¹¹⁶

Despite Lisgar's conviction that Macdonald was self-consciously using his correspondence with cabinet as a tool to manipulate British opinion, he continued to send the copies Macdonald supplied to him to Kimberley and Northcote. In mid April, Macdonald wrote to Cartier to discuss the latest American offer: admission of fish free of duty and a sum of money to be settled by arbitration.¹¹⁷ He repeated de Grey's warnings that relations between Britain, the United States and Canada were at risk. Macdonald assured de Grey that he was alive to the gravity of the situation, but that Canada was not responsible for the commingling of issues—the decision to treat the *Alabama* claims, the San Juan boundary and the fisheries together—"and she was in my opinion prejudiced by it". He implied to de Grey that he might not have accepted the commission had he realised that all the issues were to be treated together. Canada did not wish to sell or lease the fisheries but wanted a fair commercial equivalent. The American attitude, he insisted, was "simply an attempt to bully us into a surrender of our rights by speaking of probable collisions involving the shedding of blood and consequent irritation...". Macdonald insisted he was

unconcerned about personal popularity, but predicted that the treaty would arouse indignation, and would be summarily rejected in parliament. De Grey asked Macdonald to convey his concerns to his colleagues and confided that, if all other matters were settled, Britain might consider compensation to Canada for the Fenian claims, if no precedent was inferred.¹¹⁸ Before sending his “private and confidential” letter to Cartier, Macdonald showed it to de Grey and Northcote both to confirm that he had correctly conveyed de Grey’s arguments, and so that they might understand his own position.¹¹⁹

In sending a copy of Macdonald’s letter, Lisgar remarked to Kimberley that “the inference drawn from this and insisted upon with more warmth than courtesy is that the interests of Canada in the fisheries are to be or have been sacrificed to those of G[rea]t Britain”. Lisgar cannily surmised that “no doubt the fume and fury of the Canadians are liable to some allowance on the score that they are making a case for their own defence in the Can[adia]n Legis[latu]res” but he warned Kimberley also that “in so much sound there is also I fear some meaning”. Macdonald and his colleagues may find their position as ministers “which is already weakened by various causes” jeopardised by the fisheries questions, even if they themselves have been responsible for raising unrealistic expectations about the settlement. “The Council completely altered their views as I stated in my letter to you of the 26th Jan[ua]ry and the self will of two or three has carried the day completely over the rest and in opposition to the various statements made to me on previous occasions”, he explained. “The situation has not been a pleasant one for some time and I have done all I could to inculcate more moderate view—with little effect”. Even as he found his ministers largely to blame for the prospect of the treaty’s rejection in parliament, Lisgar proposed a number of concessions by which “the fracas might be smoothed over for the present”. He pointed to the need to enlarge the Welland and St Lawrence canals, a project estimated to cost about three million dollars over four or five years.

If Great Britain would, not guarantee, but lend this three millions to the Dominion on the same terms as they are lending money to Irish landlords to buy up the tithes—3 ½ percent, with a sinking fund, 1 ½ p. cent = 5 in all you might settle both the canal, and the Fishery question on the latest basis proposed, until the money were all repaid—say 25 or 28 years hence—the security is unquestionable.¹²⁰

Lisgar also urged, in response to a later query from the colonial secretary, that the proposed withdrawal of the imperial garrison from Quebec be delayed until September: "By that time the first outcry,—if an outcry there be, about the Fisheries will have died away.... It will be well not to have a simultaneous grumble about the Fisheries and the removal of the Regiment". Lisgar also advised that he had been given copies of further letters from Macdonald to his cabinet colleagues, similar in tone to what he had already sent and "very unsatisfactory". "They are written for a purpose of some kind no doubt perhaps shewn to me for a purpose—To get something out of England it may be for the Fisheries beyond what can be got from the U[nited] States"¹²¹ To another correspondent, Lisgar speculated that "It looks as if half their anger were assumed. I cannot help thinking so at times."¹²²

If there is any question that Macdonald attempted to manipulate British opinion, there can be none that he tried to do so in Canada. To Tupper he confided that "I do not like to look at the consequences, but we are so clearly in the right, that we must throw the responsibility on England". He was "rather glad" that he was being criticised in New York papers: "it will do me no harm in Canada".¹²³ Another colleague was instructed to manipulate news coverage of the treaty. If the "friendly newspapers" held back and created the impression that Macdonald approved the treaty, George Brown of the *Liberal Globe* "will then pitch into the treaty and into me for sacrificing the interests of Canada. He will afterwards find out, when it is too late, that he is on the same side as myself, and will not be able to retract". If Brown finds that I am opposed to the treaty, Macdonald explained, "he may take up the loyalty cry.... This course would give him a strong influential position with the Home Government, which might react prejudicially on our party".¹²⁴ Macdonald cannily assessed how his apparent reaction to the final terms would influence opinions. He toyed with the idea of refusing to sign the treaty, but was dissuaded. Alternatively, he considered inserting a statement of his non-concurrence in the agreement. He proposed the idea to de Grey, arguing that "it can also be suggested to ...[Fish] that the fact of my objecting to the arrangement as a bad bargain for Canada, will be an additional proof to the Senate that it is a good one for the United States".¹²⁵ In the end, Macdonald contented himself with a somewhat theatrical show of reluctance at the official signing. When the treaty was formally concluded

on 8 May 1871, Macdonald held the pen in his hand, turned to Fish and half-whispered, "Well, here go the fisheries". To Fish's reply, "You get a good equivalent for them," Macdonald retorted, "'No, we give them away—here goes the signature'; and thereupon signed his name, and rising from the table, said, 'They are gone.'"¹²⁶

The impression of Macdonald's fellow commissioners was somewhat different. When an agreement was at last reached, de Grey wrote of Macdonald's reaction that "his delight was almost ludicrous".¹²⁷ He had earlier surmised that "it is evidently the wish of Macdonald to be able to represent to his people that any unpopular arrangement...was forced upon him by the British Government for their interests rather than those of the Dominion".¹²⁸ Thornton characterised the treaty as "a very fair and equitable adjustment of pending questions" but noted that Macdonald "pretends to believe that his Government will never consent to the arrangement...".¹²⁹ For his part, Macdonald confided to Hincks that he had "worked out a plan in my head". "Our true policy is to hold out to England that we will not ratify the treaty, and I have strong hopes that in her desire to close every possible cause of dispute with the U[nited] States we can induce her to make us a liberal offer. We should lose all this advantage if we showed any symptoms of yielding."¹³⁰

Unfortunately, Macdonald's strategy of sharing the "private and confidential" letters he wrote to his cabinet colleagues with the governor general may have backfired in this instance. Lisgar was handed a copy of this letter, which he forwarded to Kimberley as he had the others. He added a postscript that "I cannot however think it was written with the intention that it should be placed in my hands".¹³¹ Macdonald's letter provoked indignation in the British cabinet. Kimberley described the letter as "very curious. If I understand it rightly, he means to play a game, for which knavery is hardly too strong a term." Gladstone minuted that "I hope the 'liberal offer' which Sir J.M. intends to [cajole?] from us will be *nil*".¹³² Kimberley informed Lisgar that he "should be sorry to write what I think of the game he proposes so coolly to play.... He will find out that 'in vain is the net spread in sight of any bird.'"¹³³

Although Lisgar saw clearly that Macdonald was using the possibility of non-ratification of the treaty as a ploy to extract concessions, he did urge that Britain

consider compensation for Canada. Lisgar let the British cabinet know that opposition to the treaty was indeed real and could jeopardise its passage in parliament, even though he believed much of it was Macdonald's own fault. Macdonald had been losing ground in Ontario, Lisgar reported, "and dreads the effect of the general election."¹³⁴ The *Globe* had convinced farmers that tariff concessions ought to have been won. Even so, Lisgar maintained that the idea of a railway subsidy of some sort, which Cartier urged, "would only injure Canada", and was speculative and impractical. Lisgar told Macdonald frankly that "you and your colleagues had better abandon the idea of a guarantee for the Railway". It was, he said, "hopeless from the first and if you will accept advice from me—not often tendered—you will shew your hand to Lord Kimberley—you will not get less from England by doing so". Lisgar did support other aid for Canada, however. "If anything can be done," he urged Kimberley, "the enlargement of the canals would be the proper and safe investment in aid—for it cannot be denied that the Can[adia]n Gov[ernmen]t are in a difficult position".¹³⁵

Even as Lisgar supported the Canadian government's bid to win concessions from Britain, he could not help but betray his frustration at the tactics Macdonald adopted. Lisgar expressed satisfaction that Granville had cautioned the Canadian prime minister in a letter: "I am not at all sorry he should be made aware as he now is, that he is not to play fast and loose as he pleases; and deal in matters of weighty concern with the Imperial Gov[ernmen]t as he deals with intriguers in local politics". "I think the letter was admirably suited to the circumstances and the man addressed".¹³⁶ He was troubled by Macdonald's lack of candour and explained that he was "almost sure we have not Sir J.A.M[acdonald]'s real opinion.... [H]e is so Protean one cannot say what he may be at from day to day". While Macdonald assured Lisgar he would work toward the treaty's ratification, he evidently feared the opposition, and even his own colleagues "amongst whom there are some statesmen of no very enlightened order."¹³⁷

Over the course of many months, Lisgar continued to act as a mediator between Britain and Canada in their respective objectives of seeing the treaty ratified and securing compensation. He supplied the colonial secretary with excerpts from colonial newspapers to show the state of Canadian opinion. The *Globe*, for example,

expressed “grave doubts whether the much-trumpeted ‘protests’ were not simulated rather than real”. Macdonald was accused of “chaffering or intriguing to gain some advantage from Great Britain as a set off to the distasteful morsel he has to present to the Canadian Parliament, or ... letting time pass in the hope that something or other may turn up to help him out of his quandary”.¹³⁸ Lisgar observed that the ministry’s “former braggadocio and imprudent declarations in Parl[iamen]t [are] being constantly paraded before their eyes” but nevertheless hoped that a planned proposition for compensation “will be liberally met”. The plan under discussion was for Canada to give up a British loan guarantee for fortifications, and ask instead for “an equivalent guarantee for railways [and] canals...[for] some peaceful purpose.” Such a change, Lisgar noted, “shews reliance on the continuance of peace and a good understanding with the U[nited] States”. The proposal being met in a liberal spirit by Britain, he explained, will “prove the best and most satisfactory mode of closing up all questions on the Fenian score”. He was sorry, he said, that the British cabinet seemed determined that compensation must take the form of a sum of money. “That may seem clear and simple, but it will be of difficult adjustment as to the amount, and will scarcely in any case be admitted as satisfactory by the Canadians”.¹³⁹

Even as the uncertain fate of the Washington treaty hung in the balance, Britain’s decision to withdraw the imperial garrison complicated matters.¹⁴⁰ Kimberley “*very earnestly*” conveyed a Canadian request regarding the transfer of military stores to Cardwell, the secretary of state for war, explaining that, while Canadian demands were “more or less unreasonable judged on their own merits”, “in the present very ticklish state of Canadian affairs, it is a matter of the greatest importance to seize any [occasion?] for smoothing down the irritation which exists there”. It was therefore “well worth our while (if it can be done with any decency) to give them more than their due in such a matter at this particular juncture.”¹⁴¹ This is not to say that Kimberley was not completely supportive of the larger decision to withdraw the garrison. Canadians, he complained, “want to act in everything quite independently of us, and at the same time to have a claim for our support whenever they want it. This ‘heads you lose, tails I win’ principle is not one on wh[ich] our relations can be conducted, & this they must learn.”¹⁴²

Lisgar's early confidence that the treaty would be passed suffered somewhat over the course of the winter, largely because of his growing doubts about Macdonald's good faith. "Instead of Sir J.A.M[acdonald] trying to convert his colleagues", Lisgar suspected, "the ablest of his colleagues are trying to convert him and fix him to a decision in favour of acceptance". Should the treaty ultimately pass, Lisgar told Kimberley, "we shall, I fancy owe little either to his frankness or his disinterestedness". The strain was telling on Lisgar, who reminded the colonial secretary that he was approaching the middle of his sixty-fifth year.¹⁴³ He complained in late January of "well nigh twelve months of anxiety and disagreeableness all owing to the torturous course which... Sir J.A.M[acdonald] chose to sketch". Macdonald, whose statements may have had "a colour of fact and accuracy", had consistently withheld information from him. The past week, Lisgar reported, had been marred by a "semi-revolt" of Macdonald's ministry. Hincks had been "so urgent with ... [Macdonald] for acceptance that they had almost quarrelled". Tupper had openly threatened to resign. Cartier—"a man whose word may be relied upon"—had told the governor general months before that he was in favour of ratification. "These three intimated pretty plainly to me where the weakness lay" Lisgar reported grimly.¹⁴⁴ More than a month later, Lisgar was still frustrated by Macdonald's "jealous reticence and inveterate habit of waiting upon Providence". Lisgar had done all he could, but all in vain, he complained, to induce Macdonald to make a clear ministerial statement of his position on the treaty. Lisgar admitted that the fact that Macdonald "always plays the waiting game" had always "stood him in good stead", but found that "it renders him neither very agreeable nor very safe for those who have to deal with him in confidence and who are entitled to full confidence".¹⁴⁵ Macdonald and Lisgar remained on good terms—indeed Macdonald later described Lisgar as the ablest governor general under whom he had served¹⁴⁶—but it is clear that the question of the treaty and its ratification placed a serious strain on their relationship.

The settlement that was ultimately reached—an imperial loan guarantee of £2,500,000 for the purpose of railway construction and canal improvements to be implemented as soon as Canada passed the act ratifying the treaty¹⁴⁷—was not precisely what Lisgar believed was best for Canada, but he dutifully supported the

proposal. The treaty was ratified in Canada's parliament in May 1872 and Lisgar officially notified Kimberley of this welcome news before returning to Britain the following month. "I hope to give the Royal Assent to the Bill before I leave Canada, and I will add that I am well-pleased to think that this should be my last public act in Her Majesty's Colonial Service."¹⁴⁸ He reflected privately to Kimberley that "truly... all is well that ends well".¹⁴⁹

In Canadian historiography, the Treaty of Washington has been viewed as another in a series of unsatisfactory concessions made by the British to placate the Americans at Canada's expense. The Webster-Ashburton treaty of 1842, the Oregon treaty of 1846, and the 1903 Alaska boundary award are generally seen as part of this tradition. It is undeniably true that in each of these instances, the final settlement was disappointing. Colonial status, and an aggressive and uncompromising American foreign policy, ensured that the playing field was not level. Lacking a significant military capability, Canada could not hope to pursue a tough line against the Americans. Nor would it be reasonable to expect British diplomatic weight and military force to be brought to bear in support of a policy that could only escalate tensions, and which offered no benefits to Britain. It is revealing that when Canada achieved nominal independence in foreign policy in the twentieth century, the other part of the equation remained unchanged. The agenda of the United States would continue to be the dominant influence in Canada's external affairs.

Given this non-negotiable set of conditions in 1871, guardians of Canada's interests set out to do the best job they could under the circumstances. Lord Lisgar, far from being indolent, devoted considerable time and energy to a search for solutions. These solutions were aimed at dealing with events as they *were*, not as Canadian politicians might have wished them to be. Recent events had proved that the licence system for American fishing vessels was a failure. The Americans seemed determined to have access to the fisheries, and any attempt to stop them brought with it heightened international tensions. Further, numerous overtures by Canadian and British envoys to re-establish reciprocal trade ties had ended in failure and the political climate in the United States remained solidly protectionist. Lisgar was adamant that if Canadian fisheries were going to be open to Americans, some compensation ought to be claimed. He was perfectly frank with his ministers about

his convictions and believed that he had won them over to a similar view. Lisgar may have allowed his own wishful thinking to exaggerate the support his cabinet gave to the idea of financial compensation for the fisheries. He was sincerely convinced that the plan was best, not only because the imperial government sought accord, but because Canada's interests dictated a peaceful settlement. It appears that, having at first resisted the idea, his ministers grudgingly acquiesced in it when it became apparent that the goal of reciprocity could not be realised, only to disavow it later for diplomatic and internal political reasons. John A. Macdonald was no less sincere in his desire to achieve a good settlement for Canada. His agenda was complicated, however, by the need to secure terms that would ensure success at the upcoming election. The decision to allow Canada a veto over the treaty was a double-edged sword. Canadian politicians could not shift responsibility to Britain by claiming that unpopular terms were forced upon them. Macdonald recognised that by skilfully manipulating his own reactions to the treaty, and those of the country at large, he might win compensation for Canada from the British government. There had to be enough resistance to loosen the purse strings, but not enough to cause the measure—and the government—to be defeated. His almost machiavellian cunning in working to achieve this balance put considerable strain on his relationship with the governor general. Lisgar had enjoyed a good rapport with his charming and genial prime minister, but ultimately was forced to question Macdonald's good faith and integrity. Ironically, it is Lisgar's good faith and integrity, and not Macdonald's, that have been questioned.¹⁵⁰ The absence of any collected correspondence detailing Lisgar's role, and the reticence about their function demanded of the Crown's representatives, have made it possible for the governor general to remain a convenient historical scapegoat.

¹ Sir John Young was actually sworn in as governor general on 29 December 1868. See J.C. Dent, *Canadian Portrait Gallery*, IV, 41. While Sir John Young was not raised to the peerage until 1870, for convenience the title Lisgar will be used here.

² D.M.L. Farr, *The Colonial Office and Canada*, 55.

³ A very useful survey article on Lisgar's Canadian career has been published in Australia. See Dan O'Donnell, "Lord Lisgar", 254-73.

⁴ Donald Creighton, *John A. Macdonald: II: The Old Chieftain* (Toronto: Macmillan, 1955), 84-5.

⁵ J.B. Brebner, *North Atlantic Triangle: The Interplay of Canada, the United States and Great Britain* (New Haven: Yale University, 1945), 197.

⁶ *DNB*, XXI, 1296-7. See also, Charles A. Thompson, "Young, Sir John, Baron Lisgar" in *DCB*, X, 728-29; John Cowan, *Canada's Governors General*, 11-17; Joseph Pope, *Memoirs of Macdonald*, I,

370-1; Dan O'Donnell, "Lord Lisgar", 254-73; J.B. Conacher, "Peel and the Peelites, 1846-1850" *English Historical Review* (July 1958), 431-52, and F. Darrell Munsell, *The Unfortunate Duke*, 82-7.

⁷ Robert Blake, *Disraeli* (London: Eyre & Spottiswoode, 1966), 495.

⁸ Sandra Gwyn, *The Private Capital*, 159-60.

⁹ NAC, Kimberley Papers, A 314, Lisgar to Sir Frederic Rogers, private, 16 March 1871.

¹⁰ Joseph Pope, ed., *Correspondence of Sir John A. Macdonald* (Toronto: Oxford University Press, 1921), Lisgar to Macdonald, 16 July 1872, 172.

¹¹ R.H. Hubbard, *Rideau Hall*, 16.

¹² D.M.L. Farr, *The Colonial Office and Canada*, 55.

¹³ J.C. Dent, *Canadian Portrait Gallery*, IV, 40.

¹⁴ Goldwin Smith, as quoted in J. C. Dent, *The Last Forty Years*, II, 518.

¹⁵ As quoted in Sandra Gwyn, *The Private Capital*, 153.

¹⁶ J. C. Dent, *Canadian Portrait Gallery* IV, 41.

¹⁷ As quoted in Louise Reynolds, *Agnes*, 62.

¹⁸ Some of these letters can be seen in Joseph Pope, *Correspondence of Macdonald*.

¹⁹ Macdonald to Lisgar, 2 September 1872, *Ibid.*, 177.

²⁰ Reginald C. Stuart, *United States Expansionism and British North America, 1775-1871* (Chapel Hill: University of North Carolina Press, 1988), 238-61, provides an overview of the political, commercial and ideological differences that complicated relations. See also Goldwin Smith, *The Treaty of Washington, 1871: A Study in Imperial History* (Ithaca: Cornell University Press, 1941); G.P. de T. Glazebrook, *History of Canadian External Relations*. (Ottawa: Carleton Library, 1965), I; Allan Nevins, *Hamilton Fish: The Inner History of the Grant Administration* 2 vols. (New York: Frederick Ungar, 1957 ed.); J. B. Brebner, *North Atlantic Triangle*, Adrian Cook, *The Alabama Claims: American Politics and Anglo-American Relations, 1865-1872* (Ithaca: Cornell University Press, 1975); Lester Burrell Shippee, *Canadian-American Relations 1849- 1874* (New Haven: Yale University, 1939). Robin W. Winks, *Canada and the United States*, provides useful background on the strained relations arising from the Civil War years. J.C. Bancroft Davis, *Mr. Fish and the Alabama Claims: A Chapter in Diplomatic History* (Freeport, New York: Books for Libraries Press, 1969 reprint of 1893 ed.) and Caleb Cushing, *The Treaty of Washington* (New York: Harper & Bros., 1873) provide contemporary American perspectives on the issues. Joseph Pope, *Memoirs of Macdonald* provides a useful Canadian perspective.

²¹ G.P. de T. Glazebrook, *History of Canadian External Relations*, vol. 1, 101. Caleb Cushing, *The Treaty of Washington*, 226-40, rejected the idea that the War of 1812 should have cancelled the existing fishing arrangements. Caleb Cushing, of course, was not an impartial observer. Cushing, who had been attorney general in the Pierce administration, was an acknowledged Anglophobe and a key advisor to President Grant on the Alabama claims. He later served as senior counsel for the United States in the tribunal for arbitration of the Alabama claims. *Dictionary of American Biography*, II, Allen Johnson & Dumas Malone, eds. (New York: Charles Scribner's Sons, 1929), 623-30.

²² Laurence Oliphant, *Episodes in a Life of Adventure*, 46.

²³ J.M.S. Careless, *The Union of the Canadas*, 138.

²⁴ See, for example, incidents related in W.T.R. Preston, *My Generation of Politics and Politicians*, 25.

²⁵ Lester Burrell Shippee, *Canadian-American Relations*, 160-6, 179.

²⁶ Cardwell to Monck, confidential, 3 March 1866 in *Ibid.*, 262-3.

²⁷ NAC, Monck Papers, A 755, Frederick Bruce to Monck, private, 6 July 1866.

²⁸ See, for example, NAC, CO 42/695, B 508, Hon. Charles Sumner to H.B. Willson, 6 July 1869: "Sooner or later – and I believe very soon, it will be so positively for the interests of England, to withdraw from this hemisphere, that I do not doubt the considerations you present so clearly will be weighed by her statesmen.... The Colonies must be left free to determine their future, each for itself....".

²⁹ J.B. Brebner, *North Atlantic Triangle*, 175; Not surprisingly, Sumner's speech aroused hostile feelings on both sides of the Atlantic. The British diplomat Lord Tenterden snidely speculated that Sumner's fury was fed by his disappointment in his marriage to a much younger widow who left him when she found that he did not possess "full powers". Adrian Cook, *The Alabama Claims: American Politics and Anglo-American Relations*, 73-89.

³⁰ Allan Nevins, *Hamilton Fish: The Inner History of the Grant Administration*, I, 296-7. Caleb Cushing also looked forward to the "glorious consummation" of the relationship between Canada and the United States. "[I]f it be possible to conceive of two countries, which would appear to be mutually destined to constitute one Government, they are the United States and the British Provinces, to the special advantage of the latter rather than the former." *The Treaty of Washington*, 255, 253.

³¹ NAC, Colonial Office Correspondence, Supplementary, CO 537/101, B 815, Sir John Young to Granville, confidential, despatch, 22 January 1870.

³² NAC, CO 537/101, B 815, Thornton to Young, 10 February 1870; J.C. Bancroft Davis, *Mr. Fish and the Alabama Claims*, 44-6. Bancroft Davis was a member of the American delegation.

³³ NAC, CO 537/101, B 815, Memorandum of...Privy Council, 22 February 1870.

³⁴ John A. Macdonald to John Rose, private, 26 January 1870, in G.P.deT Glazebrook, *History of Canadian External Relations*, I, 97-8. The question of Canada's separation from Britain continued to be a part of the American diplomatic agenda. In September 1870 the President insisted to Zachariah Chandler that settlement of the *Alabama* claims should also include provision for a referendum on Canadian independence. Adrian Cook, *The Alabama Claims*, 141.

³⁵ D.M.L Farr, *The Colonial Office and Canada*, 176-8.

³⁶ Lester Burrell Shippee, *Canadian-American Relations*, 266-70.

³⁷ 354 licences had been issued in 1866, as compared to only 25 in 1869. NAC, CO 537/101, B 815, *Review of President Grant's Message...relative to the Canadian Fisheries...* (Ottawa, 12 December 1870).

³⁸ NAC, CO 537/101, B 815, Young to Granville, Secret, 23 June 1870.

³⁹ NAC, Kimberley Papers, A 314, Young to Kimberley, private, 25 July 1870.

⁴⁰ NAC, Kimberley Papers, A 314, Young to Kimberley, private, 9 August 1870.

⁴¹ NAC, CO 537/101, B 815, Frederick Bruce to Monck, 6 August 1866. Carnarvon's advice was the same. See Monck Papers, A 756, Carnarvon to Monck, private, 7 July 1866.

⁴² NAC, Kimberley Papers, A 314, Kimberley to Young, private, 28 July 1870.

⁴³ NAC, Kimberley Papers, A 314, Kimberley to Young, private, 10 August 1870.

⁴⁴ PP, Young to Granville, despatch 131, 9 June 1870, 617.

⁴⁵ NAC, Kimberley Papers, A 314, Kimberley to Young, private, 28 July and 24 August 1870.

⁴⁶ NAC, CO 42/696, B 509, Report by A. Campbell to His Excellency... Sir John Young, Ottawa, 10 September 1870.

⁴⁷ NAC, CO 537/101, B 815, Young to Kimberley, Secret, despatch 66, 9 September 1870.

⁴⁸ NAC, Kimberley Papers, A 314, Young to Kimberley, private, 2 September 1870.

⁴⁹ Joseph Pope, *Memoirs of Macdonald*, I, 440.

⁵⁰ *Ibid.*, Macdonald to Young, 31 October 1870, 440.

⁵¹ NAC, CO 537/101, B 815, Young to Kimberley, Secret, despatch 70, 23 September 1870.

⁵² NAC, CO 537/101, B 815, Young to Kimberley, Secret, despatch 72, 13 October 1870.

⁵³ NAC, Kimberley Papers, A 314, Young to Kimberley, private, 27 October 1870.

⁵⁴ NAC, Granville Papers, B 894, Young to Kimberley, private, 4 November 1870.

⁵⁵ NAC, Granville Papers, B 894, Young to Thornton, 4 [?] November 1870, excerpt, enclosure in *Ibid.*

⁵⁶ NAC, Granville Papers, B 895, Thornton to Granville, private, 15 and 18 November 1870.

⁵⁷ NAC, CO 537/101, B 815, Young to Thornton, private, 14 November 70, marked closed 17 November 1870.

⁵⁸ NAC, Granville Papers, B 895, Thornton to Granville, 22 November 1870.

⁵⁹ NAC, Kimberley Papers, A 314, Kimberley to Lisgar, private, 20 November 1870. In October 1870, Alexander of Russia, taking advantage of France's preoccupation with the lately fought war against Prussia, repudiated the "Black Sea" clauses of the 1856 Treaty of Paris. The treaty, which brought an end to the Crimean War, had denied Russia the right to build military or naval establishments on the shores of the Black Sea. The issue was more far-reaching, as Russian expansionism threatened the European balance of power. The involvement of France and Britain in the Crimea had been meant to uphold Turkish integrity and thus contain Russian ambitions in the Balkans. David Thomson, *Europe Since Napoleon* (Harmondsworth: Penguin, 1966), 242-49; 321. In the United States, Bancroft Davis proposed that the instability in Europe offered an opportunity for the Americans. "What a time this would be", he wrote to Fish, "to strike in London for the

independence of Canada and the settlement of the Alabama Claims.” Adrian Cook, *The Alabama Claims*, 135.

⁶⁰ NAC, Cardwell Papers, B 532, Kimberley to Gladstone, private, copy, 9 December 1870.

⁶¹ NAC, Kimberley Papers, A 314, Lisgar to Kimberley, private, 8 December 1870.

⁶² W.L. Morton, *The Critical Years*, 253.

⁶³ NAC, Kimberley Papers, A 314, Lisgar to Kimberley, private, 8 December 1870. The previous year, Butler had publicly proposed that the United States should issue a proclamation of nonintercourse, denying Britain access to the American market, in order to increase pressure to settle the Alabama claims. Adrian Cook, *The Alabama Claims*, 81, 135-9, 147-9.

⁶⁴ NAC, Granville Papers, B 895, Thornton to Granville, private, 27 September 1870.

⁶⁵ NAC, Granville Papers, B 895, Thornton to Granville, private, 4 October 1870.

⁶⁶ Seemingly, Fish was at least half right. NAC, Granville Papers, B 895, Thornton to Granville, private, 18 October 1870. Thornton later conceded to Granville that although “I combat this idea by all the arguments I can think of, the Canadians themselves take very little trouble to conceal that Mr. Fish is not far wrong”. NAC, Granville Papers, B 895, Thornton to Granville, private, 25 October 1870.

⁶⁷ NAC, Kimberley Papers, A 314, Lisgar to Kimberley, private, 8 December 1870.

⁶⁸ *Ibid.*

⁶⁹ NAC, Granville Papers, B 894, Kimberley to Granville, private, 23 December 1870.

⁷⁰ NAC, Granville Papers, B 895, Thornton to Granville, private, 13 December 1870.

⁷¹ “He proposes” was probably stretching the point. It appears that Tupper was aware of Lisgar’s suggestion and it is probable that he concurred in it, but the suggestion does not seem to have originated with him, and indeed Lisgar claims it elsewhere as his own.

⁷² NAC, CO 537/101, B 815, Lisgar to Thornton, private, 28 December 1870.

⁷³ The Canadian privy council had indicated its willingness the previous year that such a commission should take place. See Kimberley’s memorandum of his meeting with Alexander Campbell, 11 July 1870, NAC, Kimberley papers, A 313.

⁷⁴ Rose also had to combat the American impression that Canada’s separation from Britain was imminent. “Haul down the flag and all will be right”, Sumner advised him. Adrian Cook, *The Alabama Claims*, 159-60.

⁷⁵ NAC, Granville Papers, B 895, Thornton to Granville, 14 February 1871; J.C. Bancroft Davis, *Mr. Fish and the Alabama Claims*, 59-66.

⁷⁶ Rose to Granville, 10 January 1871, as quoted in Goldwin Smith, *The Treaty of Washington*, 33.

⁷⁷ Goldwin Smith, *The Treaty of Washington*, 33.

⁷⁸ NAC, Kimberley Papers, A 314, Kimberley to Lisgar, private and confidential, 26 January 1871.

⁷⁹ NAC, CO 537/102, B 816, Lisgar to Kimberley, secret, 11 January 1871.

⁸⁰ NAC, Kimberley Papers, A 314, Lisgar to Kimberley, private, 26 January 1871. A Committee of the Privy Council complained in a separate report that, while the government of Prince Edward Island—which was not yet a part of Confederation—admitted the correctness of Canada’s interpretation of the 1818 Convention, they wished to foster trade with the Americans “which is advantageous to individuals who have no interest in the fisheries. Her Majesty’s Government”, the committee explained, “may not be aware that the inhabitants of Prince Edward Island have engaged in the fisheries to a very limited extent, and that Charlottetown has been the headquarters of the American trespassers.” The report implied that this seriously undercut the efforts of Canada to enforce the convention. See *Report of a Committee of... the Privy Council of Canada... 17 February 1871* NAC, B 509, CO 42/696.

⁸¹ NAC, Granville Papers, B 895, Granville to W.E. Gladstone, 22 November 1870.

⁸² NAC, Granville Papers, B 894, Lisgar to Kimberley, telegram, secret and confidential, 19 February 1871.

⁸³ Allan Nevins, *Hamilton Fish*, II, 471, Adrian Cook, *The Alabama Claims*, 170-1..

⁸⁴ NAC, CO 537/102, B 816, Macdonald to Lisgar, confidential, 4 February 1871. This letter is also printed in Joseph Pope, *Memoirs of Macdonald*, I, 443-44. Macdonald feared the effect his absence would have on domestic politics. The upcoming parliamentary session would be an important one, he knew, and the prospect of leaving his French-Canadian lieutenant, George-Etienne Cartier, to deal with Ontario members outraged over the late Red River Rebellion was disquieting. Macdonald’s secretary, Joseph Pope, recalled that Macdonald ascribed his defeat in 1873 to his absence in 1871. *Memoirs of Macdonald*, I, 445. Further, British Columbia’s entry into Confederation, including

controversial terms for the construction of a transcontinental railway, secured passage during Macdonald's absence. See J.M.S. Careless, *Brown of the Globe*, II, 284.

⁸⁵ NAC, CO 537/102, B 816, Lisgar to Kimberley, secret, despatch 105, 9 February 1871, and Lisgar to Kimberley, telegram, secret, 9 February 1871.

⁸⁶ NAC, CO 537/102, B 816, Lisgar to Kimberley, secret, despatch 108, 23 February 1871. The other commissioners were (for Britain) Oxford Professor Mountague Bernard, Earl de Grey and Ripon, Sir Stafford Northcote, Lord Tenterden, and Sir Edward Thornton. The American appointees were Senator Rockwood Hoar; General Robert C. Schenck, the newly appointed Minister to England; Senator George H. Williams; Justice Samuel Nelson; J.C. Bancroft Davis, Assistant Secretary of State, and Secretary of State Hamilton Fish. See Allan Nevins, *Hamilton Fish*, II, 450, 474. See also Lester B. Shippee, *Canadian American Relations*, 333-5.

⁸⁷ NAC, Macdonald Papers, C 1580, Monck to Macdonald, 10 February 1871.

⁸⁸ NAC, Macdonald Papers, C 1580, Lisgar to Macdonald, confidential, 6 February 1871.

⁸⁹ NAC, Kimberley Papers, A 314, Kimberley to Lisgar, private, 26 February 1871.

⁹⁰ NAC, Granville Papers, B 895, Thornton to Granville, 14 February 1871.

⁹¹ NAC, CO 537/102, B 816, Kimberley to Lisgar, telegram, secret, 4 February 1871.

⁹² NAC, CO 42/697, B 509, Kimberley to Lisgar, despatch, confidential, 16 February 1871. This is also printed in *PP*, vol. 27, 619-20.

⁹³ Allan Nevins, *Hamilton Fish*, 475. See also Appendix II, "Canadian Fisheries and Reciprocity" in which Nevins describes the tension between Canada's and Britain's agenda in the Treaty of Washington negotiations, 917-20.

⁹⁴ Joseph Pope, *Memoirs of Macdonald*, Macdonald to Tupper, 5 March 1871, I, 447-9.

⁹⁵ Donald Creighton, *John A. Macdonald*, vol. II, 84-5.

⁹⁶ NAC, Macdonald Papers, C 29, Macdonald to Campbell, 6 March 1871 and Macdonald to Cartier, 11 March 1871.

⁹⁷ NAC, Macdonald Papers, C 29, Macdonald to Hincks, ? March 1871. On 6 April 1871 Macdonald cabled Tupper in cypher that the British ambassador told him that Lisgar had said Tupper considered \$200,000 to be sufficient compensation. Tupper replied the following day that the ambassador "must have misunderstood [the] Governor General who told Cartier I was angry at his having suggested such a thing". NAC, Macdonald Papers, C 1581 See also O.D. Skelton, *The Life and Times of Sir Alexander Tilloch Galt* (1920), 496-504. Skelton described the attempt by George Brown and Edward Thornton in 1874 to negotiate a renewal of reciprocity, a measure that ultimately failed to win the support of the U.S. Senate. Around this time, Galt wrote to Macdonald seeking his recollections about how the figure of \$200,000 had been arrived at. Thornton told Galt that Macdonald "did not say so in so many words, but... qualif[ied] the proposal as very indiscreet" and implied that Lisgar made the suggestion without the full knowledge and consent of his ministers. [9 June 1875] Macdonald's letter to Galt, however, confirmed that there was no formal offer and "we are in no way held to any definite proposition" [31 May 1875].

⁹⁸ NAC, Granville Papers, B 895, de Grey to Gladstone, telegram, 30 April 1871. See also D.M.L. Farr, *The Colonial Office and Canada*, 86 and G.P. de T. Glazebrook, *History of Canadian External Relations*, vol. I, 112.

⁹⁹ NAC, Granville Papers, B 894, Kimberley to Granville, private, 21 February 1871.

¹⁰⁰ NAC, Macdonald Papers, C 1580, Francis Hincks to Macdonald, confidential, 15 February 1871.

¹⁰¹ NAC, Macdonald Papers, C 29, Macdonald to Lisgar, private, 7 May 1871.

¹⁰² NAC, CO 42/697, B 509, Lisgar to Kimberley, decipher of secret telegram, 10 March 1871.

¹⁰³ *Ibid.*, Kimberley reply to Lisgar, decipher of secret telegram, 11 March 1871.

¹⁰⁴ *Memoirs of Macdonald*, Macdonald to Tupper, private, 17 March 1871, I, 449.

¹⁰⁵ *Ibid.*, Macdonald to Tupper, private, 21 March 1871, 449-451.

¹⁰⁶ NAC, Kimberley Papers, A 314, Lisgar to Kimberley, private, 9 March 1871. Lack of American good faith had been a frequent theme in Lisgar's letters for some time. See also Lisgar to Kimberley, private, 9 January 1871.

¹⁰⁷ Lisgar to Macdonald, 12 March 1871, Goldwin Smith, *The Treaty of Washington*, 59-60.

¹⁰⁸ NAC, Macdonald Papers, C 1581, Macdonald to Tupper, telegraph, 22 March 1871 and Tupper to Macdonald, telegraph, 24 March 1871. These are printed in *Memoirs of Macdonald*, I, 451-2.

¹⁰⁹ *Memoirs of Macdonald*, Macdonald to de Grey, 25 March 1871, Appendix XXI, 756.

¹¹⁰ *PP*, vol. 27, Report of a Committee of... the Privy Council... 20 January 1872, 629. See also Fish's diary entry for 12 April 1871 in Allan Nevins, *Hamilton Fish*, in which Fish records that he

told de Grey that he was "rather glad that they [the Canadians] are not willing to accept our proposals for the settlement of the fisheries, as I find the universal impression that we have proposed to give too much, and that the concessions offered would probably jeopardize the ratification of the treaty", 477.

¹¹¹ Allan Nevins, *Hamilton Fish*, 476-7.

¹¹² Goldwin Smith, *The Treaty of Washington*, 65.

¹¹³ NAC, Granville Papers, B 895, Thornton to Granville, private, 21 March 1871.

¹¹⁴ NAC, Kimberley Papers, A 314, Lisgar to Kimberley, private, 6 April 1871.

¹¹⁵ *Correspondence of Macdonald*, Macdonald to Lisgar, private and confidential, 7 April 1871, 144.

¹¹⁶ NAC, Kimberley Papers, A 314, Lisgar to Kimberley, private, 6 April 1871.

¹¹⁷ These proved to be the terms of the final treaty. The other key issues, the *Alabama* claims and the San Juan boundary, were to be settled by arbitration.

¹¹⁸ NAC, Kimberley Papers, A 314, Macdonald to Cartier, private and confidential, 16 April 1871.

¹¹⁹ *Correspondence of Macdonald*, Macdonald to Tupper, 21 April 1871, 484.

¹²⁰ NAC, Kimberley Papers, A 314, Lisgar to Kimberley, private, 24 April 1871.

¹²¹ NAC, Kimberley Papers, A 314, Lisgar to Kimberley, private, 4 May 1871. The letter from Kimberley to which this is an answer is found in the same collection and is dated 20 April 1871.

¹²² NAC, Granville Papers, B 895, Lisgar to Herbert, 4 May 1871.

¹²³ NAC, Macdonald Papers, C 29, Macdonald to Tupper, private, 1 April 1871.

¹²⁴ *Correspondence of Macdonald*, Macdonald to Alexander Morris, private and confidential, 21 April 1871, 145.

¹²⁵ NAC, Macdonald Papers, C 29, Macdonald to de Grey, private and confidential, 26 April 1871.

¹²⁶ Fish diary, 8 May 1871, Allan Nevins, *Hamilton Fish*, 490.

¹²⁷ De Grey to Granville, 21 April 1871, W.L. Morton, *The Critical Years*, 256.

¹²⁸ De Grey to Granville, 19 March 1871, Goldwin Smith, *The Treaty of Washington*, 63.

¹²⁹ NAC, Granville Papers, B 895, Thornton to Granville, 9 May 1871.

¹³⁰ NAC, Kimberley Papers, A 314, Lisgar to Kimberley 11 May 1871, enclosure, Macdonald to Francis Hincks, n.d.

¹³¹ Lisgar's postscript on *Ibid.*

¹³² Minutes on *Ibid.*, Kimberley, 23 May 1871; Gladstone 25 May 1871. Creighton has read this word as "conjure". Donald Creighton, *John A. Macdonald*, vol. II, 109.

¹³³ Paraphrasing *Proverbs*, chapter 1, verse 17. NAC, Kimberley Papers, A 314, Kimberley to Lisgar, private, 25 May 1871.

¹³⁴ NAC, Kimberley Papers, A 314, Lisgar to Kimberley, private, 20 July 1871. A short while later, Macdonald lost control of the provincial administration of Ontario. A Liberal administration under the premiership of Edward Blake was formed, and it is probable that the failure to secure reciprocity was a key factor. W. L. Morton, *The Critical Years*, 254, 259-60.

¹³⁵ NAC, Kimberley Papers, A 314, Lisgar to Kimberley, private, 20 July 1871. A copy of the letter to Macdonald to which Lisgar refers [dated 7 July 1871] may be found in NAC, CO 537/102, B 816. A lengthy private letter from Macdonald to Lisgar, dated 21 July 1871, explained his fears that the treaty and his government might be defeated and warned that he would "at once abandon any attempt to reconcile my colleagues or the people of Canada to the adoption of the Treaty" if the British government made compensation for the Fenian claims contingent upon acceptance. NAC, Macdonald Papers, C 30, Macdonald to Lisgar, private, 21 July 1871. Macdonald did not leave it exclusively to Lisgar to communicate his concerns; he himself let the British cabinet know that there was considerable resistance to the treaty and resentment of the imperial government. A series of letters Macdonald wrote to de Grey over the summer of 1871 can be found in the Macdonald Papers, letterbook, vol. 15, C 29.

¹³⁶ NAC, Kimberley Papers, A 314, Lisgar to Kimberley, private, 17 August 1871.

¹³⁷ NAC, Kimberley Papers, A 314, Lisgar to Kimberley, private, 30 August 1871.

¹³⁸ NAC, Kimberley Papers, A 314, Lisgar to Kimberley, private, 16 November 1871, Enclosure, *The Globe*, 13 November 1871.

¹³⁹ NAC, Kimberley Papers, A 314, Lisgar to Kimberley, private, 23 November 1871. Kimberley suggested that Canada send their counter proposal to the British government but added a note of caution that "the Canadians must not open their mouths too wide, as guarantees are not popular here, and we shall have to justify our action to the House of Commons". *Ibid.*, Kimberley to Lisgar, private, 20 December 1871.

¹⁴⁰ The decision to withdraw the imperial garrisons was in keeping with that philosophy of empire, growing since the late 1840s, that the colonial possessions should bear greater responsibility for their own defence. The large-scale reinforcement of British North American defences during the American civil war was not a reversal of this general policy, but a response to an immediate threat. The restoration of peace meant that the trend toward withdrawal would be continued. Useful background may be found in C.P. Stacey, "Britain's Withdrawal from North America 1864-1871" *The Canadian Historical Review* 36 (September 1955), 185-198; C.P. Stacey, *Canada and the British Army*, 204-63; and R. L. Schuyler, "The Recall of the Legions: a phase in the decentralization of the British Empire" *American Historical Review* 26 (October 1920), 18-36.

¹⁴¹ NAC, Cardwell Papers, B 532, Kimberley to Cardwell, private, 6 September 1871.

¹⁴² NAC, Cardwell Papers, B 532, Kimberley to Cardwell, private, 26 September 1871. Lisgar, too, was in general supportive of the overall aim to reduce colonial dependency upon British defence. He felt, however, that the seriousness of the Fenian threat was underestimated in Britain. C.P. Stacey, *Canada and the British Army*, 211.

¹⁴³ NAC, Kimberley Papers, A 314, Lisgar to Kimberley, most private, 11 January 1872.

¹⁴⁴ NAC, Kimberley Papers, A 314, Lisgar to Kimberley, private, 22 January 1872.

¹⁴⁵ NAC, Kimberley Papers, A 314, Lisgar to Kimberley, private, 29 February 1872.

¹⁴⁶ Carman Miller, "Lisgar, Sir John Young, Baron", *The Canadian Encyclopedia*, second edition, II (Edmonton: Hurtig Publishers, 1988), 1217.

¹⁴⁷ *PP*, vol. 27, Kimberley to Lisgar, despatch 58, 18 March 1872, 630.

¹⁴⁸ *Ibid.*, Lisgar to Kimberley, despatch [no. ?], 30 May 1872, 690.

¹⁴⁹ NAC, Kimberley Papers, A 314, Lisgar to Kimberley, 17 May 1872.

¹⁵⁰ J.B. Brebner, *North Atlantic Triangle*, 197; Donald Creighton, *John A. Macdonald*, II, 84-5.

“A Choice of Difficulties”: Lord Dufferin, the Pacific Scandal,
and the Prorogation of 1873

Less than one year into his viceregal term, Dufferin was forced to confront a challenging political crisis. Like his predecessors – Elgin in 1854, Head in 1858, and Monck in 1863—Dufferin faced the dilemma of whether or not to accept the advice of his ministers. The “Pacific Scandal” seemed to implicate John A. Macdonald and key Conservative ministers in corrupt financial bargains and vote buying, and Macdonald’s advice to Dufferin to prorogue parliament at the height of the crisis appeared to be a cynical ploy to escape censure.¹ Dufferin was temperamentally inclined toward activism and his decision to follow the advice of his ministers in this instance might at first glance appear to be inspired by partiality for Macdonald. Dufferin did indeed consider Macdonald to be far superior to opposition leader Alexander Mackenzie, but this was not the decisive factor in the governor general’s decision. Throughout the summer of 1873 Dufferin wrestled with the constitutional dilemma posed by the scandal and his ministers’ advice, only to arrive at last at the position that seemed to come so readily to Elgin in 1854. Even after the prorogation, Dufferin agonised over his course of action, fearing that he might be compelled to force Macdonald’s resignation. With the advantage of hindsight, and access to private correspondence, it is possible to see how close Dufferin skirted to constitutional impropriety, yet fairness dictates that he be assessed by his ultimate actions alone. While Elgin evidently kept his own counsel, Dufferin struggled more visibly, canvassing the opinions of others, writing a torrent of letters to the colonial secretary weighing the pros and cons, and considering various schemes to get wind of Parliament’s mood. Nevertheless, his final decision was constitutionally correct. Elgin, having lived through the difficult days of the Rebellion Losses Bill, could approach the dissolution controversy with calm confidence. Dufferin had not been seasoned by such an experience, but even had he been, his natural proclivity toward action and evident need for personal popularity made it hard for him to maintain the requisite detachment. A review of Dufferin’s painful process of decision offers instructive insight into the challenging nature of the role of constitutional governor.

Born 21 June 1826 in Florence, Frederick Temple Hamilton-Temple-Blackwood, was the only child of Price Blackwood, fourth Baron Dufferin and Clandeboye in the Irish peerage, and Helen Selina Sheridan, one of three famous beautiful daughters of Thomas Sheridan, and granddaughter of the noted statesman and dramatist, Richard Brinsley Butler Sheridan. Frederick attended Eton and Christ Church, Oxford, although he stayed at Oxford for less than two years and left without earning a degree.² As his father was a captain in the Royal Navy, and frequently absent, much of Frederick's youth was spent in the exclusive company of his mother.³ He succeeded to the title of fifth Baron Dufferin and Clandeboye when his father died of an accidental overdose of morphia in 1841.⁴ Dufferin's mother, who had been only seventeen at the time of her marriage, and eighteen when her child was born, did not remarry for many years, but devoted her time primarily to her son. "I do not suppose," Dufferin recalled, "that there was ever a human being who had such a power of loving."⁵ Theirs has been described as an "intense, hothouse relationship".⁶ In 1862, Dufferin married nineteen-year-old Harriot Georgina Rowan Hamilton, of a neighbouring aristocratic family that was related to, but a long-standing rival of, the Blackwoods.⁷ Dufferin's mother chose to remarry almost immediately following her son's wedding. Her new husband, Lord Gifford, was only a year older than her son. Critically ill at the time of their marriage, Gifford lived a mere eight weeks after the wedding. When he died, Helen moved to Clandeboye to be with her son and his new wife.⁸

Assessments of Dufferin's appearance and character tended to be filtered through assumptions about his descent from Sheridan. Nicolson wrote that "the Sheridan blood seethed and tingled like champagne" in Dufferin's veins.⁹ Apparently of slight build, in portraits Dufferin generally adopted a somewhat theatrical pose. He is usually described as handsome, although such assessments may have been partially influenced by his charming and courtly manner. He had wide-set and heavily lidded eyes, which gave him a dreamy appearance. His hair was dark and ample, though combed close against his head, and the pointed chin beard and moustache he wore did nothing to discourage persistent—but false—rumours that he was actually the son of Disraeli.¹⁰ Certainly his flamboyant charm at court contained echoes of Disraeli's heavy-handed flattery. Dufferin corresponded

frequently with the elderly Duchess of Argyll, whom he referred to as “the archangel” and closed a letter to the Marquis of Lorne with the instructions “pray lay me at the feet of your dear Princess [Louise]”.¹¹ Dufferin was a romantic, who wrote poetry and painted watercolours. He once cited his mother and Sir Walter Scott as the greatest influences on his character.¹² An observer who met Dufferin in his later years noted that “his lisp and eye-glass, and his extremely courteous, perhaps slightly punctilious manner... gave me at first an impression of affectation, but this soon wore off”.¹³ Dufferin has been described as the most popular of all modern Canadian governors, because of his “Irish blarney and his gracefulness and charm”.¹⁴ Not all were equally impressed. Goldwin Smith sneered at Dufferin’s practice of giving advance copies of his speeches to the press with “applause” inserted at appropriate places.¹⁵

Dufferin’s intellect has been described as “brilliant and versatile rather than deep”.¹⁶ He was not suited to academia and did not shine at school.¹⁷ Spelling was always a challenge. His mother responded to one of his letters by warning him against carelessness. “My grandfather Sheridan always affirmed that no Irish peer could spell. Pray don’t let his first great-grandson be a proof of his knowledge of Irish ignorance.”¹⁸ Nevertheless, Dufferin impressed Canadian audiences by his ability to make speeches in English, French, Latin or Greek,¹⁹ even if it was acknowledged by a more sophisticated contemporary that he never attained real facility in any foreign tongue.²⁰ No matter. “Even the French Canadians are not in a position to criticise my accent as their own is excerable [sic]”, Dufferin explained to the Marquis of Lorne.²¹

Dufferin’s Irish antecedents have frequently been cited as a key to his character,²² and when in Canada he himself often played them up in speeches, as a means of making a bridge to Irish-Canadian audiences. At the age of twenty he visited Skibbereen to see first hand the effects of the Irish famine and conveyed a grim picture of the suffering in a pamphlet, “Narrative of a Journey from Oxford to Skibbereen”. He followed this up with an anonymous contribution of a thousand pounds to a relief fund. Dufferin, as an Irish landlord, took a keen interest in the contentious debate over land reforms in Ireland that followed the appointment of a select committee in 1865. Dufferin appeared before this committee to argue for

reforms that would take proper account of improvements made by outgoing tenants, yet not saddle incoming tenants with onerous obligations. He was adamant, however, that the landlords' proprietary rights must be upheld. Sensing that legislation would ultimately undercut his position as a landholder, he began to dispose of most of his holdings in Ireland in the years following 1870, excepting the environs of his estate at Clandeboye.²³

Even as a very young man, Dufferin enjoyed the unquestioning self-confidence that came with his privileged birth. Access to prominent public figures was taken for granted. At age twenty, he was presented to King Louis Phillipe while vacationing in France. Five years later, he was granted a long interview with the Pope. "I told him the truth about Ireland", the young man breezily asserted.²⁴ In 1850, with his elevation to the UK peerage as Baron Clandeboye, he took his seat in the House of Lords and began to establish a reputation as a speaker.²⁵ As a young man of twenty-three, Dufferin was appointed lord-in-waiting to Queen Victoria, under Lord John Russell's ministry, although the Queen reportedly thought him "much too good-looking and captivating" for the job.²⁶ He was also much in demand in London society, and had occasional difficulties juggling his parliamentary duties and his social ones. Lady John Russell took pains to warn him that his absence during important divisions had not passed unnoticed.²⁷ He served as attaché to Lord John Russell's abortive mission to Vienna in 1855 which sought to bring the Crimean War to an end. This was only the beginning in a string of appointments, of steadily increasing consequence, which Dufferin would enjoy. He appears to have made himself agreeable in court circles and established friendships with many prominent figures in the world of politics and the arts. Dufferin established a minor literary reputation with the publication of his *Letters from High Latitudes*, an account of a voyage to Iceland, Jan Mayen, and Spitzbergen in 1856. As well as enjoying the patronage of Lord John Russell and Sir James Graham, Dufferin was a personal friend of the Duke of Argyll, the Marquis of Lorne, and the Earl of Carnarvon, colonial secretary between 1874 and 1878. Among his literary friends were Tennyson, Dickens, Thackeray, Carlyle, Charles Buller, Macaulay, and Kingsley. Tennyson wrote a poem to honour Dufferin's service as viceroy of India, enthusing that his "rule has made the people love/Their ruler".²⁸

In 1860 and 1861 Dufferin acted as British representative on an international commission dealing with Syria after the massacre of Christians at Damascus. Shortly thereafter, he declined the lucrative post of governor of Bombay on the grounds that the climate would not agree with his mother "from whom I could not separate".²⁹ Helen Lady Dufferin died in 1867. In 1864 Palmerston appointed Dufferin lord lieutenant for County Down, as well as under-secretary for India. Two years later, he shifted to the same position in the war office. Under Gladstone's administration, Dufferin was in 1868 named chancellor of the Duchy of Lancaster, and twice chaired Royal Commissions on military and naval affairs. In November 1871 he was advanced in the peerage, and was then known as the Earl of Dufferin. Dufferin had long wrestled with the question of how he would be best able to make his mark in life. At age thirty-seven, he lamented to the Duke of Argyll that "life is slipping by very fast, and... I have very little to show for the years that are gone....[U]nless soon I have some opportunity of taking part in affairs, it will be too late altogether, as after forty, the necessary initiation is almost impossible."³⁰ Although Dufferin dismissed a life devoted to literature as a "lower form of existence",³¹ by 1871 he advised Gladstone that he had decided to pour his energies into producing "a really good, impartial history of Ireland".³² Little seems to have come of this resolution, however, and Dufferin soon afterward expressed his willingness to be considered for the viceroyalty of India.³³ He failed to win the appointment, however, and was offered the consolation of the governor generalship of Canada, a post he held from 1872 to 1878. In 1876 Dufferin was made GCMG. Unlike some predecessors, the governor generalship of Canada was not the crown of Dufferin's career. He went on to serve as ambassador to Russia in 1879, a post he was awarded by Beaconsfield, although he had not broken his ties with the Liberal party.³⁴ This was not, however, the prize he sought. On the renewal of his appointment by the Liberals in 1880, he grumbled that his years of service in Canada "might have deserved a better reward than a further term of exile in an Arctic climate."³⁵ Dufferin was appointed ambassador to Turkey in 1881. In December 1884 Dufferin won the long-sought appointment of viceroy of India, a post he held until 1888. When Queen Victoria honoured him with promotion to the title of Marquis, he considered the title Dufferin and Quebec, but was dissuaded and instead

took the appellation Dufferin and Ava, after the ancient capital of Burma. Dufferin's career culminated with ambassadorships at Rome (1889-91) and Paris (1891-96) and the post of Lord Warden of the Cinque Ports between 1891 and 1895. Sadly, his retirement years were marred by the death of his eldest son Lord Ava in the Boer War and heavy financial losses through imprudent investments. Dufferin's reputation suffered as well, as he had encouraged others to make similar investments.³⁶ His health broken by this series of shocks, Dufferin retired to Clondeboy where he died in February 1902.

On his arrival in Canada, Dufferin quickly established an excellent rapport with the personable Sir John A. Macdonald, whom he believed was the only one who could lead the House of Commons.³⁷ He admitted to the colonial secretary that on one occasion Macdonald had "fetched [a parliamentary] ...adversary a blow in the face" but dismissed rumours about the Canadian prime minister's drunkenness with the assurance that he "has now left off anything stronger than tea".³⁸ Dufferin's correspondence with Macdonald suggests genuine affection. As the 1873 session of parliament opened, he wrote Macdonald that "my only regret is that I cannot have the pleasure of watching you handle the ribbons. Everyone seems to agree that your management of the House is as neat a specimen of good coaching as anyone need wish to witness."³⁹ Even as the Pacific Scandal broke, relations between the two men remained cordial; Dufferin clearly expected little to come of the Liberals' accusations. Macdonald wrote to the governor general to congratulate him on the safe arrival of "the Young Canadian"—a child for whom he stood godparent—and joked that the Canadian branch of Dufferin's family, "the Backwoods Blackwoods" would soon outstrip the older branch.⁴⁰ Dufferin, for his part, reported to Kimberley that the "stormy scenes in the House" had resulted in nothing. "I confess I am very glad that for the present, at all events, there is to be no change in my advisers. Sir John is by far the ablest public man in Canada, experienced, and as far as I can see really anxious for the good of the country. He is very agreeable in his manner, and to me personally most friendly and considerate."⁴¹ To Macdonald, Dufferin wrote that "the unfolding of the drama is quite sensational and in spite of all the annoyance to which you have been put by this business must have afforded you a good deal of

amusement.” After the initial allegations seemed to have fallen flat, he remarked that, “now that the rocket has exploded at the wrong end I suppose we shall not hear much more of the business”.⁴²

The Pacific Scandal came to light in a quiet way which belied the political upheaval it would wreak.⁴³ Early in April 1873, Lucius Seth Huntington, a Liberal member of parliament, rose in the House to allege that Sir Hugh Allan and a group of his American colleagues, in anticipation of being awarded the contract to construct the Canadian Pacific Railway, had advanced large sums of money to support the election campaigns of key Conservative ministers. Huntington’s motion for a committee of inquiry was defeated, no evidence was produced, and neither Macdonald, nor any of his colleagues, made any immediate comment on the allegations. The next day, however, Macdonald announced plans for a committee of inquiry. Two members of the committee were to be Liberals: Edward Blake and A.A. Dorion. Mackenzie, along with other opposition members, argued that evidence taken by the committee should be under oath, and also insisted that the committee should continue to sit after the House was prorogued, since such would not normally be the case. An Oaths Bill was consequently introduced, and Dufferin gave the measure Royal Assent early in May. Dufferin confided to Kimberley that Macdonald had expressed doubts about the legality of the Oaths Bill with a view, Dufferin suspected, to delaying any investigation, but “he did not like the odium of appearing to throw any impediment in the way of this inquiry and prefers to shelter himself behind my throne”.⁴⁴ The governor general consulted privately with constitutional expert Alpheus Todd and decided to consent to the bill at once on his own authority. “Delay would have been very prejudicial”, he told Kimberley. “Had I referred the Bill home it would immediately been promulgated all over the country that I had done so at... [Macdonald’s] instigation, even though such would not have been the fact”.⁴⁵ After meeting on 5 May, the committee decided to adjourn until 2 July, if parliament was still sitting at that date, since neither Sir George-Etienne Cartier nor J.J.C. Abbott were in Canada to testify. Dufferin recalled that “early in May” Macdonald suggested to him that, since it was generally understood that a prorogation would dissolve any sitting committees, the House be simply adjourned until a date which would allow enough time for the committee to complete its

investigation. Dufferin agreed that 13 August was a suitable date for prorogation.⁴⁶ He understood that this was in accordance with the wishes of the House, and received no addresses to the contrary. On 15 May, Huntington made his allegations more specific: he had letters to prove that the Conservative ministers had accepted \$360,000 from Sir Hugh Allan. Macdonald protested against any disclosures in the House of Commons, and the Speaker prevented Huntington from reading the letters aloud.⁴⁷ On the very same day, Dufferin learned that the Law Officers of the Crown had declared Canada's Oaths Bill to be *ultra vires*.⁴⁸ While the decision was based on technical grounds, it would provide fodder for Liberal suspicions that Dufferin and the imperial government wished to protect the apparently corrupt Conservatives. More bad news arrived days later, in the form of a cable announcing the sudden death in London of Macdonald's French Canadian lieutenant, George-Etienne Cartier. Cartier had been at the centre of Huntington's allegations, yet Macdonald proposed in the House that he be honoured with an elaborate public funeral and monument. The motion was carried over Alexander Mackenzie's objections.⁴⁹

Following the disallowance of the Oaths Bill, Macdonald, with Dufferin's approval, offered to convert the committee of inquiry into a royal commission, which would have the power to examine witnesses under oath. Blake and Dorion rejected this proposal, complaining that a royal commission would be appointed by, and answerable only to, the executive—as Blake put it, “subject to the direction and control of the accused.”⁵⁰ Blake and Dorion proposed continuing the committee in its existing form, relying upon unsworn testimony. The other three members of the committee rejected this idea, and voted to adjourn until 13 August.⁵¹

On the following day—4 July—the *Montreal Herald* and the *Toronto Globe* began to print correspondence which brought more details of the scandal into the open.⁵² While the published letters and telegrams showed that Cartier and Macdonald had actively solicited funds from Sir Hugh Allan, the correspondence also seemed to show that Macdonald had contradicted Cartier's intimation to Allan that the government would award his company the railway contract. “Instead of damaging the Government”, Dufferin explained to Kimberley, “this move turned out very much for their advantage, for although the letters proved Sir Hugh Allan to be both an ass and a rogue, they contained nothing which criminated Macdonald.” Dufferin

admitted nonetheless that “all this business fills me with great anxiety”. He would, he explained, consider it “a great misfortune both for myself and for the country if Sir John were to be turned out”. In any case, Dufferin had little faith in the opposition. “I scarcely see”, he wrote, “who are the people to replace him”.⁵³

Relations between the governor general and prime minister continued to be warm. Macdonald had proved to be co-operative when Dufferin complained of the inadequacy of his salary and allowances, and added \$ 5,000 to the budget to defray Dufferin’s expenses for heating and lighting Rideau Hall.⁵⁴ By the end of July, Dufferin wrote to Macdonald from Halifax to reassure him that the printed correspondence had not shaken his confidence, but did put the government in a more difficult position. Perhaps, he suggested, both the committee and parliament should be kept alive, in order that the committee might make its report. Another adjournment of six weeks, or possibly two months, would accomplish this. Under the circumstances, he added, he did not think a prorogation until February 1873 would be desirable. “In saying this I again wish to assure you that I do not for a moment doubt the result—in fact it is my confidence in that result that induces me to urge upon you the advisability both of forwarding the inquiry, and of taking the verdict of Parliament upon it at the earliest opportunity.” He reminded Macdonald that “I address you as one of your warmest friends and sincerest admirers”.⁵⁵

Dufferin was more frank with the colonial secretary. “We are in a devil of a mess here”, he admitted, “and my position is not to be envied”. The latest correspondence published seemed “most ominous and suspicious”.⁵⁶ Macdonald’s telegram asking for ten thousand dollars, Cartier’s letter promising his best efforts to secure Allan the charter, and Sir Hugh Allan’s own affidavit all combined to paint a very black picture. Macdonald was absent in Rivière du Loup and Dufferin did not hear from him for some time, although he did hear rumours that the prime minister was “constantly drinking” and even one “dastardly report” that he had committed suicide.⁵⁷

Macdonald at last recovered himself sufficiently to write Dufferin a long letter. He had been, he said, “enjoying the sea breezes” when he was notified about the new letters that appeared in the *Montreal Herald*. After meeting with colleagues, he decided to ask his excellency to appoint a commission. Judges Day and Gowan

would be good choices, he urged, and he had already written private notes to them to see if they would be willing to serve. Macdonald admitted that the published Cartier letter "took us all by surprise" but maintained that when all of the other documents were produced, a satisfactory explanation would result. The absence of any centralised electoral fund made it impossible to say what Allan might have subscribed in Quebec, but his assistance in Ontario was confined to legitimate loans which were entirely unconnected to the railway charter, the prime minister insisted. Macdonald further denounced Blake and Dorion's conduct in refusing a commission as "unworthy". Reluctant to participate in an enquiry which would bring the facts into the open, they instead seized upon a "flimsy excuse" to continue to "excite general prejudice by feeding the public mind from time to time with garbled extracts". Now, he understood, they were attempting to rally together members of the opposition for the sitting of the House on 13 August. The Liberals' strength was almost entirely confined to Quebec and Ontario, he explained, whereas many of his supporters would have already dispersed to more distant parts of the country. Macdonald had understood that the meeting on 13 August was to be "merely formal", without the necessity of distant members attending. Even Dufferin himself had not planned to return from his tour of the Maritimes, intending to use a deputy to perform the prorogation in his stead. It would be impossible for distant Conservatives to return to Ottawa in time to frustrate this Liberal tactic, Macdonald warned; the opposition would be certain of a majority. Even now, the Liberals were preparing petitions to influence Dufferin, Macdonald had heard. "I have no doubt however as to the course Your Excellency will take as a matter of justice to the Government and in fulfillment of the pledge to Parliament when the adjournment was agreed to".⁵⁸

Dufferin agreed to Macdonald's request for a commission.⁵⁹ Deciding that it was not fair to the prime minister that he be absent "at this critical conjuncture of affairs", Dufferin advised Macdonald that he was returning to Ottawa. He reassured him "that it is my desire to give you in these anxious circumstances a loyal and generous support to assist you with my best advice and to observe the principles of the Constitution up to the furthest limit consistent with my own personal honour and

conscientious convictions". Further discussion should be withheld until they could meet.⁶⁰

To Kimberley, Dufferin explained his personal dilemma. He well understood Macdonald's reasons for adhering to the original plan to have parliament prorogued on 13 August, even though new revelations made "the aspect of affairs at present...very different" from when Dufferin agreed to the plan. He expected that Macdonald would tell him that if he attempted a motion for adjournment he would face an adverse vote, but wondered if he would not be able to negotiate an arrangement himself with the opposition "under the threat of prorogation as the alternative". In that event, however, the interval before parliament reassembled should only be such to allow the commission to do its work. The case against the government was strong, he confessed, and he did not think they should try to escape facing parliament. But he was concerned that a refusal of prorogation would guarantee their defeat, since it was physically impossible for distant Conservative members to attend. I know, Dufferin, explained, "that I am not sent here in order that the Colonial Office may have the trouble and responsibility of governing Canada from Downing Street". Even so, if his "imperfect exposition" reached Kimberley before the 13th, he would be most grateful to receive private and confidential advice by telegram.⁶¹

Meanwhile, Dufferin was receiving plenty of unsolicited advice from other quarters. Lady Dufferin wrote home that "the papers are advising the Governor-General, and abusing him in advance, if he does not follow each of their different counsels".⁶² The *Grip* seemed to sympathise with Dufferin's plight, characterising him in a political cartoon as a hapless traveller besieged by cabmen, each urging him to go to a different hotel.⁶³ The Liberal *Globe* was among Dufferin's most vocal critics, denouncing prorogation as a "gross... insult to the representatives of the people" and a "deliberate contempt of the requirements of public justice and public morality". The idea that prorogation was the governor general's "wish" was ridiculed, cited as "an excuse for Ministerial wrong-doing". Nothing, it asserted, "could be more calculated to lessen the respect and veneration the office of the Viceroy of the Sovereign everywhere inspires".⁶⁴ In the following weeks, the *Globe*, and other opposition newspapers, continued to tender advice to the governor general.

While allowing that “he is bound by the principals [sic] of constitutional Government to act on the advice of his responsible advisers... there are admittedly exceptional cases, and common sense says this must be one of them”. Under the present circumstances, with evidence so weighty, “the position of the Governor-General is painful, but it should not be embarrassing to a man of clear discernment, sound judgment, high honour, and a due sense of duty”. “Until the prorogation has actually taken place,” the *Globe* insisted, “we cannot believe that Lord Dufferin will allow the prerogative entrusted to his keeping ... to be so grievously abused”.⁶⁵ The following day, under the heading, “The Governor General and Prorogation”, the *Globe* addressed the subject even more directly. Dufferin was not bound to be “merely the recording clerk of his Ministers”, forced to “lead himself to every iniquity that they may plan”. The governor general had “a large amount of autonomy and a corresponding degree of responsibility”.⁶⁶ A short time later, the *Globe* rejected accusations of disloyalty from those who “would seek to distract attention and draw it off from the real point at issue”. At the same time, it maintained that “there is no one too high for criticism”. The newspaper’s record with respect to representatives of the Queen was defended. “The *Globe* has never come into collision with any of the Canadian Governors-General except Lord Metcalfe and Sir Edmund Head”⁶⁷ it asserted. Criticism of Metcalfe, who “dreamed of playing rather the Turkish Satrap than the British Governor” was perfectly defensible, the newspaper insisted, as was the *Globe*’s characterization of Head as an “unscrupulous partisan” who was continually meddling. Lisgar was never the subject of censure “except so far as we expressed our regret at the ambiguity of one speech in which he seemed to hint that England would be pleased if Canada would go”. The Tories, on the other hand, criticised Monck because he gave them “too few and too poor dinners”, and went so far as to stone Lord Elgin when they disagreed with his policy, the *Globe* pointed out.⁶⁸ During the early days of August 1873 George Brown of the *Globe* was in England and availed himself of the opportunity to try to exert some influence on the colonial secretary. Kimberley agreed to meet with Brown as a private citizen, rather than opposition member, and assured him that the disallowance of the Oaths Bill was purely technical and reflected no preference for the

Conservatives. He refused to speculate about how Dufferin might use his discretionary powers.⁶⁹

Dufferin found an opportunity while speaking in Halifax to address the speculation over his probable actions. He alluded to the fact that he had been in Canada for only a year, and consequently his character and sentiments would not be well known. He was adamant that no one claim to be in a position to make any conjecture about his views. He reminded his audience of his impartiality, and his insisted that “my only guiding star in the conduct and maintenance of my official relations with your public men is the Parliament of Canada. In fact,” he continued,

I suppose I am the only person in the dominion whose faith in the wisdom and the infallibility of Parliament is never shaken. Each of you, gentlemen, only believe in Parliament so long as Parliament acts according to your wishes—and convictions. I, gentlemen, believe in Parliament no matter which way it votes.

He would give his confidence to those parliament assigned as his responsible advisers, and “whether they are the heads of this party or of that party must be a matter of indifference to the Governor General”. He acknowledged that he would have the right to retain personal friendships, and as a “reasonable being” could not help having views about the merits of various policies, but insisted that these would be only abstract and would have no effect on his official relations. He would have neither political friends nor enemies, and would be indifferent to praise or blame.⁷⁰

Dufferin returned to Ottawa with little time to spare, arriving on the very day—13 August—that parliament was due to reassemble. He met with Macdonald, and discussed the one compromise still available. He might be, he said, “the channel of communication by which an understanding between [Macdonald]... and his opponents might be arrived at”.⁷¹ Part of the governor general’s role, he said later, was to “moderate the animosities of party warfare, to hold the balance even between the contending parties”.⁷² The prime minister rejected this solution: the Liberals were adamant and were “evincing by unmistakeable signs that they would show no quarter”.⁷³ Dufferin relented, explaining that he did not feel justified in withdrawing his confidence from his ministers, but insisted that the House should be reconvened at as early a date as possible. This would make it clear that he was not using prorogation as a means to help the ministry avoid facing the serious charges made

against them. The governor general suggested an interval of six or eight weeks, but at last agreed that ten weeks was permissible.

Dufferin found “unexpectedly” that a deputation of members of parliament was waiting to confer with him, led by Richard Cartwright.⁷⁴ The deputation presented a petition signed by ninety-two members, mostly Liberals but including twelve ministerialists, praying that His Excellency not prorogue parliament until the House of Commons had time to take “such steps as it may deem necessary and expedient”.⁷⁵ The *Globe*, under the heading “Lord Dufferin’s Excuse”, reported that the governor general returned “a very long and argumentative reply”.⁷⁶ He expressed his regret at the unfortunate delays which had postponed a full enquiry into the Pacific Scandal, “the more so as they seem to have given rise to the impression that they have been unnecessarily interposed by the action of the Executive”. He reiterated that the disallowance of the Oaths Bill had been beyond his control. For him now to refuse to prorogue parliament, he explained, was in essence to dismiss his ministers from his counsels. He had no guarantee that that was the actual wish of parliament, especially as those who had signed the memorial did not actually form a majority. While the documents published in connection to the scandal were very significant, they did not actually provide proof of guilt. Those assembled today did not represent a full parliament, and the governor general, as guardian of the federal rights of the individual provinces, had an obligation to prevent important measures being decided when distance prevented many of the representatives from more distant provinces from attending.⁷⁷

The prorogation was carried out in the stifling heat that August afternoon.⁷⁸ The moment the speaker took his chair to begin the session, Mackenzie rose to speak, with Black Rod already visible through the glass doors of the chamber and the Sergeant-at-Arms already bowing at the speaker’s table waiting to announce him. Black Rod’s knocks were unheard over the cries of “privilege, privilege”, and loud cheering and commotion. When the doors opened, members of the public rushed in, adding to the chaos. It is doubtful if any heard Black Rod’s summons to attend the Senate chamber. Only about thirty-five Conservatives followed the speaker to the chamber for the prorogation. The other members made their way to a large committee room for an “indignation meeting” led by Mackenzie.⁷⁹ Lady Dufferin

avidly shared the events with her family in Ireland. "The political excitement is fearful, and we hear that the Opposition is going to ask for the Governor-General's recall!! So expect us home in disgrace."⁸⁰

"Lord Dufferin", the *Globe* reported resignedly,

has, in short, done what the Premier asked him. He has missed a great opportunity of showing that he had a mind of his own, that he could rise to the dignity of a great crisis, that he could aid in putting down corruption with a firm hand. It will be a disappointment to some, but others more familiar with the past career of Lord Dufferin have not looked for much at his hands.

While calling Dufferin's actions "very indiscreet, very unwise, and morally wrong", the *Globe* admitted that they were not unconstitutional, and warned against transferring the indignation that should be directed toward the ministry toward the governor general.⁸¹

Dufferin's hasty private letter to Kimberley expressed his "hopes I have pulled through this abominable business better than I had expected". The government's bitterest enemies admitted that he could not have acted otherwise, he explained, and "the promise of the re-assembly of Parliament within a short period has had a wonderfully good effect."⁸² His public despatch provided exhaustive detail about every aspect of the case, complete with copies of relevant correspondence. He took pains, however, to point out that he was referring only to events leading up to the prorogation, and treated the issue of the commission as a separate matter. He felt that the effect of prorogation upon the committee in progress was a secondary matter, "an ill effect with which I had no concern". "However much I might have desired to do so," he explained, "I could not have treated Parliament as a pregnant woman, and prolonged its existence for the sake of the lesser life attached to it."⁸³ A second despatch a few days later observed that "my anxieties have been very great, and my position most embarrassing". He asserted that, as he was "trained in the liberal school of politics under the auspices of a great champion of Parliamentary rights", his "political instincts would revolt against any undue exercise of the Crown's Prerogative". It was better that the governor general be "too tardy in relinquishing this palladium of colonial liberty, than too rash in resorting to acts of personal interference".⁸⁴

With few precedents to guide him, Dufferin was eager to convince himself and others that he had taken the right course of action. He worried that "people in

England may get hold of the wrong end of the stick, and look upon my proceedings as an endeavour to shield a guilty Ministry".⁸⁵ *The Times* was quick to condemn the governor general's actions, although it later reversed its position when more information was known.⁸⁶ There were two matters at issue, Dufferin wrote to Kimberley in a long and detailed private letter:

the one, —were my Ministers right in advising prorogation? And the other— If they were wrong—was I right in being guided by their counsels? For of course it may often happen that Ministers may give questionable advice, which it may nevertheless be my duty to follow.⁸⁷

He reminded Kimberley of the reasons for his decision: the distance that prevented many members of parliament from attending, and the fact that both Cartier's letter and Macdonald's telegram "are perfectly susceptible of explanation". Even if Macdonald were ultimately found guilty, Dufferin speculated, his own reasons would still hold good. On the other hand, "if after any dismissal of him, he were brought back to power whitewashed and triumphant on a wave of reaction, my position would become a very false one". Dufferin apologised for writing such a long letter, but explained that "I have been very much bored and worried; and it is vexatious being dragged into such a dirty quarrel". "When the time arrives for doing so", he ventured, "if it should be decided that I was right in assenting to prorogue I shall be anxious for a Despatch to that effect".⁸⁸ The colonial secretary explained that he had not offered any guidance because Dufferin's letter had not reached Downing Street until 20 August, "too late to telegraph you". He abstained now from expressing any opinion, but assured Dufferin that this did not imply he disapproved, only that he was not in a position to form an opinion.⁸⁹ A week later, he was prepared to venture that, while he could not yet answer Dufferin's despatch on the prorogation issue, "I will say at once... that my impression is that having a choice of difficulties you acted rightly".⁹⁰ Some time later, Dufferin suggested to Kimberley that an official despatch might be sent "deprecating the introduction of the Governor General into the political contentions of the day unless he has been really guilty of some unconstitutional act or shows some symptoms of partisanship from both of which accusations I have been exonerated".⁹¹ A cable received from the Colonial Office supporting the expedient of a Commission "relieves my mind of great anxiety," Dufferin explained, "as the business in which I have been engaged has been very

disagreeable. There is scarcely any precedent for such a situation. I had nobody to consult, and the very men who were bound to advise me were those most interested in cajoling me into some false move.”⁹²

Dufferin also unburdened himself by discussing the situation with other correspondents. Perhaps the most significant of these was Canadian constitutional expert Alpheus Todd. Immediately after the prorogation had been carried out, Dufferin sought Todd’s approval for his actions. He further solicited Todd’s view on the reply he had given to the members of parliament who had addressed him that day.⁹³ The governor general expressed his gratitude for Todd’s “very able and cogent” memorandum on these questions, and sought further discussion of the matter of his issue of a commission of inquiry. Dufferin explained his actions, pointing out that he felt some sense of responsibility as an imperial officer, since Britain had financial liability with respect to the railway funds. He was concerned that the opposition, once they achieved their political goal of ousting the Conservatives from office, would let the matter drop and not actively pursue an inquiry. He asserted his prerogative right as the representative of the crown to initiate an inquiry, but indicated that if Todd had any remarks to make “I should be very glad to be instructed”. Recognising that his consultation with Todd was at least unusual, and at most improper, Dufferin was adamant that Todd should “not allow *anyone* to know that we are in correspondence”, and took the precaution of requesting that his letter be returned.⁹⁴ During the autumn of 1873 Dufferin enjoyed a visit from George Brodrick, an English acquaintance, who appears to have acted as a kind of sounding board. Dufferin shared all the details of the scandal with his guest, and seemed to be especially glad to have someone to whom he could complain of all the abuse he had suffered in the press. Dufferin vented his frustration over Goldwin Smith, in particular, who “seems to have a notion that by rising in my wrath, and striking down Macdonald, I could have purified the political atmosphere once and forever”. Smith’s view, Dufferin conceded, was “one very natural to a man of his vehement temper”.⁹⁵ Just as he had with Todd, Dufferin took pains to ensure that his written communications with Brodrick should remain secret. He instructed him to “burn this rigamarole [sic]” when he finished reading it.⁹⁶ Dufferin entertained a number of English visitors that autumn, and it is clear that he discussed matters with them, and

relied upon their impressions about the parliamentary debates once the session opened.⁹⁷ In one of his frequent letters to Judge Day about the ongoing commission, Dufferin cited “a very intelligent English gentleman a lawyer and publicist of great eminence who is staying with me” to support his ideas about the nature of the commission.⁹⁸

Despite his insistence on impartiality and his need to dissociate himself from the actions of his ministers, Dufferin evidently struggled with his own ambivalent feelings toward Macdonald. While the commission was in progress, the governor general sought more details about recent events from Macdonald, in order that he could provide Kimberley with as much background as possible. He was especially anxious to receive the prime minister’s explanation for his telegrams and Cartier’s letter “for the satisfaction of the Imperial Government”. He assured Macdonald that he looked forward with eager expectation “to your vindicating yourself from the aspersions by which you have been assailed. When you shall have come out of this ordeal with your character cleared from these damnable accusations there will set in a glorious reaction in your favour, or I much mistake the generosity of our Canadians.”⁹⁹ Dufferin let Kimberley know that he had asked Macdonald for “a written explanation of these damnable documents to which he has been ass enough to put his signature”. He confessed to the colonial secretary that he had seen signs of the return of the “old weakness” in Macdonald, but allowed that “it is marvelous how he can pull himself together when occasion requires it, and with what pluck, good temper, and confidence he meets all these emergencies”.¹⁰⁰ It is evident, however, that Dufferin was beginning to experience doubts. He still was not satisfied with the information that he had available to send to the Colonial Office. “If you are in a position to state that you were unaware of Allan having contributed such large sums to Cartier’s own election”, he urged Macdonald, “it would be well to add that effect in your letter to me”. Even while he pressed for a “frank explanation”, he explained that he would not be able to act as Macdonald’s advocate with Kimberley, since that “would of course destroy my trustworthiness in his eyes”.¹⁰¹

By early October, the colonial secretary was able to provide Dufferin with the reassurance he sought with respect to his own actions. His carefully worded despatch thanked the governor general for his “clear and able statements” about

Huntington's charges and the prorogation of parliament. The despatch scrupulously avoided offering any opinion on the conduct of Dufferin's ministers, but declared that Her Majesty's government "fully approve your having acted in these matters in accordance with constitutional usage".¹⁰² Privately, Kimberley confirmed this view. He allowed that he had some doubts about the necessity of Dufferin issuing a royal commission: "I do not see why a bill should not have been brought in appointing a Commission and naming the Commissioners". Nevertheless, Dufferin's conduct was "perfectly constitutional", and he fully approved of the governor general's careful dissociation of himself from his ministers in his official despatches. He observed that while it was tempting to act on one's own opinion, "once the Gov[ernor] General comes forward beyond the limits of his constitutional prerogatives, the whole machine would get out of gear". This was even more true of the Imperial government, he noted, recalling that he had explained to George Brown that any interference on the part of the colonial secretary in Canadian politics would "have a prejudicial effect".¹⁰³

Reflecting back on his decision two months after the prorogation, Dufferin acknowledged that under some circumstances a different course of action might have been appropriate. "Had there really been", he mused to Kimberley, "on the side of the Opposition an honest set of men capable of forming a strong Government I might perhaps have been tempted to have forced the situation a little more". The Conservative ministry undoubtedly deserved punishment "but it did not seem to me desirable to run any risk for the sake of making Mackenzie Prime Minister. Though I like him personally he is a poor creature". Lest Kimberley harbour any reservations, Dufferin reminded him that "with you the clear light of day is shining upon the intricacies of a channel which I had to traverse in a very dim twilight, with the assistance of lights which were often intentionally misleading".¹⁰⁴ He was still stung by the fact that he was being widely criticised in the British press, and worried about the consequent impression that was being formed of his actions at home. "The information obtained by the English newspapers is so polluted with misstatements that I have not a fair chance", he complained.¹⁰⁵

The prorogation, of course, did not put an end to Dufferin's dilemma. The commission was due to make its report in mid-October, and parliament was to

reassemble on the twenty-third. As the middle of October drew near, Dufferin appears to have been in a very restless state, knowing that some action might be required, but unwilling to act prematurely. He composed lengthy private letters to Kimberley almost daily. He knew that there would be no time to receive instructions, "but it is rather a relief to me talking to you on paper".¹⁰⁶ He drafted a lengthy confidential memorandum outlining the facts of the case, but decided immediately after sending it that it had "too much the air of pleading the case of the Government which is very far from my desire". He asked Kimberley to destroy it and substitute it with the new version he was sending.¹⁰⁷ Dufferin decided that even if he were to adopt most extreme course he would "not feel justified in stirring" until he had carefully gone over the evidence and conferred with the commissioners. But the best course, he thought, would be to avoid taking any action until parliament met, unless Macdonald resigned in the meantime, which seemed unlikely. "The idea of my immediate intervention does not seem to have occurred to anyone", he reported with obvious relief, and it would be "better that Ministers should fall by a vote in Parliament than by an act of my authority. The question is will they fall?" The Conservatives seemed very confident of their majority, and some of the Liberal conduct of late—the stolen correspondence, the rumours of Macdonald's suicide—would surely have cost the opposition some support.¹⁰⁸ Despite his personal fondness for Macdonald, it is undeniable that Dufferin's position would be made more difficult if the Conservatives were not immediately defeated in the House. "[I]f the Government creep through with a small majority what am I to do?" Dufferin asked Kimberley. While he closed his letter with the caveat that "you must take it more as a soliloquy than anything else", the question was not entirely rhetorical.¹⁰⁹

Almost immediately after this, Dufferin found "the conviction was forcing itself strongly and more strongly upon my mind" that the Conservatives' position had become indefensible. He met with the Commissioners on 14 October and, when sitting face to face with the evidence, came to the conclusion that he must speak with Macdonald and "put him upon his guard".¹¹⁰ Professing that "it is with greater pain than ever I did anything in my life", Dufferin warned the prime minister that he might not be able to count on his continued support. He addressed him not as the governor general, but as a "warm and sincere friend" and expressed his fear that he

may ultimately have to sacrifice his personal inclinations to his duty to the sovereign. Irrespective of his personal attachment, Dufferin insisted, he still maintained that there was "no one in the Country capable of administering its affairs to greater advantage than yourself". He praised Macdonald's ability, patriotism, integrity and statesmanship. Dufferin's letter did not ask for the prime minister's resignation but ominously concluded that Macdonald's personal connection with the events of the scandal "cannot but fatally affect your position as Minister".¹¹¹ During the "most painful" interview that followed, Macdonald conducted himself with "great dignity, courtesy and self-control". He told the governor general that his first impulse upon receiving the letter had been to offer his resignation, but Dufferin insisted that he had not met with Macdonald in order to dismiss him and that he had a right and a duty to meet parliament. Dufferin let him know that if he were sustained by a large majority in the House, he would accept the verdict of parliament; his written warning applied only to a contingency of "his pulling through with the skin of his teeth".¹¹²

Dufferin's confidence in his decision was shaken, however, with the receipt of Kimberley's private letter of 6 October the following night. The colonial secretary had asserted that "even had they (the 'accusations') been proved, it would be the province of the Dominion Parliament to decide whether its confidence must be withdrawn from them (the Ministers)". Dufferin now became convinced that he had overstepped the limits of his role in writing to Macdonald, and he requested another interview. Without explaining the precise terms of Kimberley's communication, Dufferin told him that the colonial secretary had given him to understand "that I was more straitened by the voice of Parliament than I had imagined myself to be", and that he should consider his letter of warning "as in some degree cancelled".¹¹³

The opening of parliament on 23 October did not bring any immediate relief for Dufferin's anxiety. As the constitutional ruler, he was barred from attending the Commons to hear the debates, and could only rely on information provided by his prime minister and newspaper reports which he found "quite untrustworthy".¹¹⁴ His discomfort with this state of enforced ignorance led Dufferin to make the astonishing suggestion to Macdonald that he find a place to hide so that he could listen to the debates in secret. "Some little closet for me in the House of Commons from whence I could hear what was going on" would solve the problem, he suggested.¹¹⁵ He

acknowledged Macdonald's objections to his presence where anyone could notice him, but argued that the utmost he wanted was a closet, "no matter how dark or inconvenient within the House".¹¹⁶ Macdonald, with his usual tact, was able to dissuade Dufferin from pursuing this idea. He invited Dufferin to imagine what sort of objections the opposition might manufacture, and what insults to the crown they would be capable of. Some "truculent blackguards in the House" would "like nothing better than the chance of snubbing the Sovereign", he warned, feigning just the right tone of outrage.¹¹⁷ Instead, from the time parliament opened, Lady Dufferin, the staff of Government House, and various visitors gathered each night in the Speaker's gallery to watch the proceedings. A contemporary observer reported that "rumours were current that His Excellency was sitting in the public gallery disguised. It was generally believed that Lord Dufferin was capable of taking such a risk."¹¹⁸

Dufferin was concerned that the debates in the House would focus on the question of prorogation and the commission, rather than the main question of the Conservative ministers taking money from Allan. This might bring the Commons into conflict with the governor general and the Imperial government, he feared. If full information was available about the process behind Dufferin's decision, the opposition "would be forced to abandon this mode of assault", he reasoned, and the "numberless fables" being propagated by the Liberals could be contradicted. For this reason, Dufferin decided to present to parliament his despatches to and from the Colonial Office on the subjects of prorogation and the commission. He happily reported to Kimberley that this tactic seemed to have worked and "Mr. Mackenzie moved yesterday a direct vote of censure upon the Government for the taking of money from Allan".¹¹⁹

The debate raged for several days. Sir Charles Tupper provides a vivid, if unbalanced, account in his memoirs of events surrounding what he called the "Pacific Slander".¹²⁰ According to Tupper, when debates over Mackenzie's resolution were under way, Dufferin sent for Macdonald and asked for his resignation. Tupper reported that he himself advised the governor general that he had "made a fatal mistake in demanding Sir John's resignation". He would make himself "the head of the Liberal party.... If Her Majesty would tomorrow undertake

what you have done she might lose her throne". Dufferin allegedly asked Tupper what he would recommend, and was told that the Colonial Office should be cabled. "The result of that interview", Tupper boasted, "was that Sir John was aroused from his bed at two o'clock in the morning and notified that Lord Dufferin had recalled his decision."¹²¹

Dufferin's correspondence contains no direct reference to such an interview, although Kimberley's personal letter to Dufferin on 29 October adds some credence to the story. Kimberley alluded to Dufferin's "telegram asking me to instruct you whether you should dismiss your Ministers" if they were saved by only a small majority. Kimberley, while tempted to "rule the destinies of four millions of people without having to leave one's comfortable armchair at home", admitted that it would be a "grievous mistake...[to] take upon myself one of the most important, indeed I may say the most important of the functions of the Governor General". It would become known that Dufferin had been instructed by the Imperial government, and he would appear to be "a mere tool of Downing Street". The decision was Dufferin's alone. "We shall be sure to give you all possible support", Kimberley wrote reassuringly, "unless... you made some egregious blunder".¹²²

Dufferin could only wait to see what the fate of his ministers would be, and if the course of events would demand further action from him. Lady Dufferin provided the day by day accounts of proceedings in parliament.¹²³ The speeches were "enormously long"—three to four hours on average—"but none were either talented or brilliant"; the effect was more that of "blundering rustics trying to beat out each others brains with bludgeons".¹²⁴ Macdonald appeared weak and demoralised, despite his "resort to stimulants", and, to the chagrin of his colleagues, refused to speak. Day by day Conservative support melted away. Macdonald at last explained to Dufferin that he had remained silent because he feared Blake was waiting to deliver a final *coup de grace*, perhaps some hitherto undisclosed document by Cartier. On 4 November "all my ladies went as usual to hear the debate, leaving me at home", Dufferin reported to Kimberley, when at last Macdonald spoke in the House. A minor speech early in the day had filled the prime minister's supporters with apprehension. He was obviously tipsy, made several blunders, and "said exactly the wrong thing". Yet when he rose again three hours later, "pale, haggard,

[and] looking as though a feather would knock him down", he electrified the House with his oration.¹²⁵

While Dufferin half hoped for a quick defeat of his Conservative ministers that would obviate the need for any controversial action on his part, he found much to admire in Macdonald's eleventh hour redemption. "Round the breakfast table at Rideau this morning there was a continuous chorus of admiration from all my English friends", Dufferin told Macdonald. Lady Dufferin came home from the debates at three in the morning "brimful of your speech". She "was pleased to keep me awake from 3 to 5, repeating it with appropriate action".¹²⁶ Dufferin sent an account of the climatic events to the colonial secretary, who confessed that it "takes one's breath almost away". Macdonald, Kimberley commented wryly, "should have lived in the good old times of two bottle men, when one of the duties of the Secretary to the Treasury is said to have been to hold his hat on occasion for the convenience of the First Lord when 'clearing himself' for his speech".¹²⁷

Despite Macdonald's valiant last stand, his political downfall was hardly in question. The day after his impassioned defence in the House, his anticipated majority having evaporated, he called upon Dufferin to tender his resignation. Dufferin's relief was evident. He felt sorry about how things ended, he confessed to Kimberley, but "was very glad... that Sir John should not have dragged his party through the dirt and committed them... to an approval of his own indefensible proceedings".¹²⁸ Kimberley agreed that "it must be a great relief to you that the immediate crisis is over" and congratulated Dufferin on "having steered so successfully through the troubled waters". He admitted that he would have considered it a "great misfortune" if the Conservatives had clung to office, and had entertained some doubts after receiving Dufferin's despatch of 3 November. It seemed to him that the governor general might have been exposing himself to criticism by making too good a defence for his ministers.¹²⁹ Fortunately for Dufferin the point was now moot.

Dufferin sent for Mackenzie, telling him that his accession to office under such circumstances was "both legitimate and honourable, and far more satisfactory" than if it had taken place as a result of any refusal by Dufferin to prorogue parliament on 13 August. He could now be assured that he had become prime minister "not

through any unfair advantage nor by the vote of a packed House, nor through the premature condemnation of men who have been given no opportunity of making their defence", nor by any intervention by the governor general.¹³⁰ After many weeks of anxiety, and occasional temptations to precipitate action, Dufferin was now vindicated. His new prime minister still regarded him with caution, however. Dufferin reported to Kimberley that Mackenzie, having formed his cabinet, asked him to prorogue parliament at once. Dufferin protested that this was usually done by the governor general in state, and that there was hardly time for him to send for his uniform. He suggested an adjournment until Monday when the prorogation ceremony could be properly performed. Mackenzie replied that he feared that if a motion for adjournment was made, Macdonald might propose some disastrous amendment and bring down the new government before it was properly in place. Dufferin was amused by the "exact reproduction or rather parody" of the conversation he had had with Macdonald on the thirteenth, and could not help saying to Mackenzie "why you seem... as little inclined to trust those people now as they were to trust you then". Mackenzie's response, he noted, was "a grim laugh", although he did agree to an adjournment.¹³¹

With the first major crisis of his viceregal term over, Dufferin felt the need to reflect on events. In retrospect he was glad that he had had no specific direction from Downing Street.

Government seems to me very much a matter of instinct,—like steering a ship, or handling a horse, and it is only the person whose hand is in immediate contact with the rein or the rudder, that can exactly accommodate his action to the shifting requirements of the situation.¹³²

Dufferin's evident satisfaction with his own success did not prevent him from seeking reassurance from the only people who could truly understand his late dilemma: previous governors general. Dufferin had sought advice on the viceregal role from Lisgar in the past.¹³³ Now, Lisgar reassured Dufferin that "I do not think any amount of experience could have added to the firmness and discretion with which you met every emergency. No quality was wanting".¹³⁴ Lord Monck was also quick to voice his support, maintaining that he "never... entertained the least doubt as to the propriety" of Dufferin's course, but only hesitated to write earlier as he was uncertain of all the facts. The strong vote of support the Conservatives received on

the question during the first session “determined my judgment that you could not refuse their advice to prorogue in August”, he assured Dufferin. “If you had done so it would be a virtual dismissal of the administration, and my experience of Canadian politicians leads me to the conclusion that such an exercise of power on your part w[oul]d probably have had the effect of consolidating Macdonald’s majority and of forcing him back on you as your Minister.”¹³⁵ Dufferin’s position, Monck continued, was “very much the same” as his own in 1862 “when Macdonald & Cartier resigned, and Sandfield Macdonald came in with a very slender majority”.¹³⁶ In addition to communicating with past governors general, Dufferin shared all the details of the Pacific Scandal with his eventual successor, the Marquis of Lorne, a lifelong friend and correspondent.¹³⁷ Months after the event, Dufferin wrote triumphantly to Lorne that “both Mackenzie and his colleagues have made me a very handsome admission that the Pacific Scandal crisis has been conducted to a far more satisfactory close than would have been the case, had their own violent counsels of last summer been followed”.¹³⁸

While interested contemporary observers such as Goldwin Smith and George Brown condemned Dufferin’s action, overall both contemporary and historical assessments have been positive. By 6 November, *The Times* pronounced that “the vindication of Lord Dufferin is complete”.¹³⁹ While Liberal Richard Cartwright allowed that Dufferin “acted with strict impartiality all through”, he found it “evident that the sympathies of everybody else at Government House were decidedly with Sir John”.¹⁴⁰ Alpheus Todd’s wholehearted approval of Dufferin’s conduct is hardly surprising,¹⁴¹ nor is that of biographers William Leggo¹⁴² and Sir Alfred Lyall.¹⁴³ Arthur Berriedale Keith gave grudging approval to Dufferin’s non-intervention. Dufferin, he wrote, “claims credit for having decided to allow the pressure of events in the normal way to determine the outcome. He recognized”, he continued,

that he had the power to dismiss, he would have used it had it been essential as a means to elucidating the facts, but its use would have told against the opposition, as showing the Government a means of confusing the issue by raising the cry that the people of Canada were being interfered with by an outsider.¹⁴⁴

Harold Nicolson asserted that Canadians approved of Dufferin’s capacity for taking decisions on his own, without recourse to Imperial instructions.¹⁴⁵ De Kiewiet and

Underhill noted that Dufferin ably defended his actions in his public despatch, and maintained that the Liberal opposition eventually came to accept that any criticism should fall upon the responsible ministers and not the governor general.¹⁴⁶ Ben Forster praised Dufferin's discretion and concluded that he was right in not acting hastily, although later events showed action might have been warranted.¹⁴⁷

In the final analysis, Dufferin acted wisely. Or, more accurately, he was wise in not acting. He need be judged on his actions alone, and the many doubts he wrestled with, and sudden impulses he held in check, were fortunately known by very few. His frantic correspondence with his confidants reveals his insecurity and discomfort with his role as the crown's silent and aloof constitutional representative. Dufferin's hand-wringing indecisiveness toward Macdonald, and his ridiculous suggestion that he hide himself in a closet to hear parliamentary debates suggest that he came very close indeed to abandoning his proper constitutional position. While the governor general was, and is, the guardian of constitutional government in a domestic political crisis like the Pacific Scandal, the fact that Dufferin was a British appointee complicated matters. Just as Mackenzie King raised the cry in 1926 that the governor general's refusal of advice was tantamount to imperial interference, such would have been the perception in this instance. Fortunately for Dufferin, his inaction was rewarded and parliament pronounced its verdict, sparing him from a disagreeable duty. The controversy was quickly resolved, the Conservatives, as Dufferin reported, went "cheerfully into opposition",¹⁴⁸ and the conflict over the propriety of having Canada's constitution safeguarded by an imperial outsider was postponed for another half century.

¹ There are striking similarities between this episode, and the events of 1854 when Macdonald criticized Elgin for allowing Hincks to escape censure for his alleged misdeeds through a similar use of prorogation. See chapter 2.

² Alfred Lyall, *Life of Dufferin*, 456.

³ See Ben Forster, "Blackwood (Hamilton-Temple-Blackwood), Frederick Temple, first Marquess of Dufferin and Ava" in *DCB*, XIII; 72-75; *DNB*, Second Supplement, vol 1; 171-175; John Cowan, *Canada's Governors General*, 19-29; William Leggo, *Administration of Dufferin*, 1878; George Stewart, *Canada Under the Administration of Dufferin*; Charles E. Drummond Black, *Marquess of Dufferin*; and Alfred Lyall, *Life of Dufferin*.

⁴ Charles E. Drummond Black, *Marquess of Dufferin*, 16.

⁵ Dufferin to Mrs Ward, as quoted in Alfred Lyall, *Life of Dufferin*, 442.

⁶ Sandra Gwyn, *The Private Capital*, 162.

⁷ *DCB*, XIII, 72.

⁸ Marian Fowler, *The Embroidered Tent: Five Gentlewomen in Early Canada* (Toronto: Anansi, 1982), 185-6.

⁹ Harold Nicolson, *Helen's Tower*, 42.

- ¹⁰ Harold Nicolson, *Helen's Tower*, 56. Interestingly, upon their arrival in Canada, Lady Dufferin pronounced Sir John A. Macdonald to be "the image of Dizzy". See Lady Dufferin, *Journal*, 3.
- ¹¹ PRONI, Dufferin Papers, D1071/H/B/C/104/6 Dufferin to Lorne, 3 March 1873.
- ¹² Harold Nicolson, *Helen's Tower*, 41.
- ¹³ Sir Henry Mortimer Durand, as quoted in Alfred Lyall, *Life of Dufferin*, 563.
- ¹⁴ C.W. de Kiewiet and F.H. Underhill, *DCC*, xxvi
- ¹⁵ Goldwin Smith, *Reminiscences* A. Haultain, ed. (New York: Macmillan, 1910), 458.
- ¹⁶ Sir Henry Mortimer Durand, as quoted in Alfred Lyall, *Life of Dufferin*, 567.
- ¹⁷ Charles Black, *Marquess of Dufferin*, 19.
- ¹⁸ As quoted in Alfred Lyall, *Life of Dufferin*, 46.
- ¹⁹ R.H. Hubbard, "Viceregal Influences on Canadian Society" in *The Shield of Achilles*, 261.
- ²⁰ Alfred Lyall, *Life of Dufferin*, 560.
- ²¹ PRONI, Dufferin Papers, D/1071/H/B/C/104/6 Dufferin to Lorne, 3 March 1873.
- ²² *Vanity Fair*, 9 April 1870, 204-5.
- ²³ Alfred Lyall, *Life of Dufferin*, 152-178.
- ²⁴ *Ibid.*, 49, 75.
- ²⁵ *DNB*, 172.
- ²⁶ As quoted in Marian Fowler, *The Embroidered Tent*, 184.
- ²⁷ Alfred Lyall, *Life of Dufferin*, 73.
- ²⁸ Alfred, Lord Tennyson, "To the Marquis of Dufferin and Ava" in *Works* (London: Macmillan & Co., 1913), 842.
- ²⁹ Dufferin to the Duke of Argyll, 20 December 1863, in Alfred Lyall, *Life of Dufferin*, 137.
- ³⁰ *Ibid.*, 137.
- ³¹ *Ibid.*, 138.
- ³² As quoted in Alfred Lyall, *Life of Dufferin*, 147.
- ³³ Alfred Lyall, *Life of Dufferin*, 149-50.
- ³⁴ *DNB*, 173.
- ³⁵ *DCB*, 74-5.
- ³⁶ *Ibid.*, 75. His youngest son, Frederick, of the 9th Lancers was severely wounded in December 1900 in South Africa, but recovered. *DNB*, 175.
- ³⁷ NAC, Dufferin Papers, A 407, Dufferin to Kimberley, private, 13 June 1873.
- ³⁸ NAC, Dufferin Papers, A 407, Dufferin to Kimberley, private, 30 July 1872.
- ³⁹ NAC, Dufferin Papers, A 414, Dufferin to Macdonald, private, 6 March 1873.
- ⁴⁰ NAC, Dufferin Papers, A 410, Macdonald to Dufferin, private, 19 April 1873.
- ⁴¹ NAC, Dufferin Papers, A 415, Dufferin to Kimberley, private, 23 April 1873.
- ⁴² NAC, Dufferin Papers, A 415, Dufferin to Macdonald, private, 21 July 1873.
- ⁴³ Probably the most detailed account of the Pacific Scandal, along with much of the official correspondence relating to it, can be found in William Leggo, *Administration of Dufferin*. Arthur Berriedale Keith, in *Responsible Government* specifically considers the governor general's role during the crisis, as does Alpheus Todd, *Parliamentary Government*. Todd's account has both the advantage, and disadvantage, of being a first-hand account by one who was closely involved in events. See also Dale Thomson, *Alexander Mackenzie*; Donald Creighton, *John A. Macdonald*, II, and W.L. Morton, *The Critical Years*.
- ⁴⁴ NAC, Dufferin Papers, A 407, Dufferin to Kimberley, private, 25 April 1873.
- ⁴⁵ NAC, Dufferin Papers, A 407, Dufferin to Kimberley, private, 2 May 1873.
- ⁴⁶ William Leggo, *Administration of Dufferin*, Dufferin to Kimberley, despatch 197, 15 August 1873, 140-146.
- ⁴⁷ *Globe*, 16 May 1873.
- ⁴⁸ NAC, Dufferin Papers, A 407, Dufferin to Kimberley, private, 15 May 1873.
- ⁴⁹ Dale Thomson, *Alexander Mackenzie*, 153.
- ⁵⁰ William Leggo, *Administration of Dufferin*, Blake to Macdonald, 3 July 1873, 152-3. See also A.A. Dorion, to Macdonald [same date?], 151-2.
- ⁵¹ *Ibid.*, Dufferin to Kimberley, despatch 197, 15 August 1873, 153.
- ⁵² See the *Globe*, 4 July 1873 for Sir Hugh Allan's letters to his colleagues discussing arrangements made concerning payments, and the probable grant of the railway charter. Copies of letters and telegrams from Cartier and Macdonald soliciting funds appear in the *Globe* 18 July 1873 under the heading "the Evidence Complete" and again in the edition of 19 July 1873. Some of this

correspondence was quoted by Dufferin in his official despatch 197 to Kimberley, 15 August 1873.

This is printed in William Leggo, *Administration of Dufferin*, 154-155.

⁵³ NAC, Dufferin Papers, A 407, Dufferin to Kimberley, private, 23 July 1873.

⁵⁴ NAC, Dufferin Papers, A 415, Dufferin to Macdonald, private 3 June 1873.

⁵⁵ NAC, Dufferin Papers, A 410, Dufferin to Macdonald, private, 31 July 1873.

⁵⁶ NAC, Dufferin Papers, A 407, Dufferin to Kimberley, private, 5 August 1873.

⁵⁷ NAC, Dufferin Papers, A 407, Dufferin to Kimberley, private, 9 August 1873.

⁵⁸ NAC, Dufferin Papers, A 410, Macdonald to Dufferin, private, 31 July 1873.

⁵⁹ NAC, Dufferin Papers, A 410, Dufferin to Macdonald, private, 6 August 1873. The commissioners ultimately were the Hon. Charles Dewey Day, the Hon. A. Polette, and James Robert Gowan.

⁶⁰ NAC, Dufferin Papers, A 410, Dufferin to Macdonald, private, 9 August 1873.

⁶¹ NAC, Dufferin Papers, A 407, Dufferin to Kimberley, private, 5 August 1873.

⁶² Lady Dufferin, *Journal*, 30 July 1873, 106.

⁶³ J.W. Bengough, *A Caricature History of Canadian Politics*, "Dufferin's Tormentors", Grip, 2 August 1873, I, 159.

⁶⁴ *Globe*, 17 July 1873.

⁶⁵ *Globe*, 24 July 1873.

⁶⁶ *Globe*, 25 July 1873.

⁶⁷ In other words, almost half of them since the newspaper's inception, if Dufferin was to now be included.

⁶⁸ *Globe*, 28 July 1873.

⁶⁹ NAC, Dufferin Papers, A 408, Kimberley to Dufferin, private, 9 August 1873, and Memorandum of Interview with George Brown, 9 August 1873. An account of this interview also appears in J.M.S. Careless, *Brown of the Globe*, II, 307-8.

⁷⁰ *Speeches of the Earl of Dufferin*, 36-37. Dufferin sent a copy of this speech both to Kimberley and Macdonald.

⁷¹ William Leggo, *Administration of Dufferin*, Dufferin to Kimberley, despatch 197, 15 August 1873, 160.

⁷² *Ibid.*, 168.

⁷³ *Ibid.*, 160.

⁷⁴ *Ibid.*, 162-3.

⁷⁵ *Ibid.*, "Memorial" presented 13 August 1873, 163-4.

⁷⁶ *Globe*, 14 August 1873.

⁷⁷ William Leggo, *Administration of Dufferin*, "Reply" enclosed in Dufferin to Kimberley, despatch 197, 15 August 1873, 164-6.

⁷⁸ George W. Ross, *Getting into Parliament and After* (Toronto: William Briggs, 1913), 68.

⁷⁹ For an account of the scene in the Commons see William Leggo, *Administration of Dufferin*, 136-7, and also Dufferin to Kimberley, despatch 197, 15 August 1873, as quoted by Leggo, 166-7; *Globe* 14 August 1873, and Dale Thomson, *Alexander Mackenzie*, 158-9.

⁸⁰ Lady Dufferin, *Journal*, 14 August 1873, 114.

⁸¹ *Globe*, 14 August 1873. This represents a striking contrast from the *Globe's* position in 1858 when Head refused George Brown's request for a dissolution. At that time the paper rejected any possibility of independent action on the part of the governor, and suggested it was his duty to follow the dictates of his advisors in all circumstances. See *Globe* 6 August 1858.

⁸² NAC, Dufferin Papers, A 407, Dufferin to Kimberley, private, 14 August 1873.

⁸³ William Leggo, *Administration of Dufferin*, Dufferin to Kimberley, despatch 197, 15 August 1873, 172-3.

⁸⁴ *Ibid.*, Dufferin to Kimberley, despatch 198, 18 August 1873, 176-181.

⁸⁵ NAC, Dufferin Papers, A 407, Dufferin to Kimberley, private, 21 August 1873.

⁸⁶ William Leggo, *Administration of Dufferin*, 182. Dufferin complained to Macdonald that the *Times'* treatment of the affair showed that "the writer had very imperfect information of the facts of the case. What are Tilley and Rose doing[?] They should have taken care at all events that Delane had correct facts before him." NAC, Dufferin Papers, A 410, Dufferin to Macdonald, private, 23 September 1873.

⁸⁷ NAC, Dufferin Papers, A 407, Dufferin to Kimberley, private, 21 August 1873.

⁸⁸ *Ibid.*

⁸⁹ NAC, Dufferin Papers, A 408, Kimberley to Dufferin, private, 21 August 1873.

- ⁹⁰ NAC, Dufferin Papers, A 408, Kimberley to Dufferin, private, 28 August 1873.
- ⁹¹ NAC, Dufferin Papers, A 407, Dufferin to Kimberley, private, 19 September 1873.
- ⁹² NAC, Dufferin Papers, A 415, Dufferin to Holland, private, 3 October 1873.
- ⁹³ NAC, Dufferin Papers, A 415, Dufferin to Alpheus Todd, private, 16 August 1873.
- ⁹⁴ NAC, Dufferin Papers, A 415, Dufferin to Todd, private, 25 September 1873.
- ⁹⁵ NAC, Dufferin Papers, A 410, Dufferin to G. Brodrick, private, 29 September 1873.
- ⁹⁶ NAC, Dufferin Papers, A 410, Dufferin to G. Brodrick, private, 29 September 1873.
- ⁹⁷ James Young, *Public Men and Public Life*, II, 172. Among his visitors was the fifth Earl Rosebery. Of the Pacific Scandal, Rosebery observed wistfully that, "all the chivalry of Canada is I am sorry to say implicated—Sir Hugh Allan, Sir John Macdonald, Sir George Cartier, Sir F. Hincks—there is not a stainless knight in Canada: unless the scandal be altogether unfounded." A.R.C. Grant and Caroline Combe, eds. *Lord Rosebery's North American Journal – 1873* (London: Sidgwick & Jackson, 1967), 23 October – 1 November 1873, 63-73.
- ⁹⁸ This was almost certainly Brodrick. NAC, Dufferin Papers, A 416, Dufferin to Judge Day, private, 8 September 1873. Rosebery's journal confirms Brodrick's presence as a guest of the Dufferins at the time. *Lord Rosebery's Journal*, 30 October 1873, 71.
- ⁹⁹ NAC, Dufferin Papers, A 410, Dufferin to Macdonald, private, 24 August 1873.
- ¹⁰⁰ NAC, Dufferin Papers, A 407, Dufferin to Kimberley, private, 21 August 1873.
- ¹⁰¹ NAC, Dufferin Papers, A 410, Dufferin to Macdonald, private, 23 September 1873.
- ¹⁰² William Leggo, *Administration of Dufferin*, Kimberley to Dufferin, despatch [no ?], 9 October 1873, 181-2; See also NAC, Dufferin Papers, A 408, Kimberley to Dufferin, private, 6 October 1873.
- ¹⁰³ NAC, Dufferin Papers, A 408, Kimberley to Dufferin, private, 6 October 1873.
- ¹⁰⁴ NAC, Dufferin Papers, A 406, Dufferin to Kimberley, private, 10 October 1873.
- ¹⁰⁵ NAC, Dufferin Papers, A 406, Dufferin to Kimberley, private, 11 October 1873.
- ¹⁰⁶ NAC, Dufferin Papers, A 406, Dufferin to Kimberley, private, 13 October 1873.
- ¹⁰⁷ NAC, Dufferin Papers, A 406, Dufferin to Kimberley, private, 12 October 1873.
- ¹⁰⁸ NAC, Dufferin Papers, A 406, Dufferin to Kimberley, private, 13 October 1873.
- ¹⁰⁹ *Ibid.*
- ¹¹⁰ NAC, Dufferin Papers, A 406, Dufferin to Kimberley, private, 26 October 1873.
- ¹¹¹ NAC, Dufferin Papers, A 406, Dufferin to Macdonald, private, 19 October 1873.
- ¹¹² NAC, Dufferin Papers, A 406, Dufferin to Kimberley, private, 26 October 1873.
- ¹¹³ *Ibid.*
- ¹¹⁴ William Leggo, *Administration of Dufferin*, Dufferin to Kimberley, despatch 197, 15 August 1873, 144-5.
- ¹¹⁵ NAC, Dufferin Papers, A 409, Dufferin to Macdonald, private, 20 September 1873.
- ¹¹⁶ NAC, Dufferin Papers, A 409, Dufferin to Macdonald, private, 30 September 1873.
- ¹¹⁷ *Correspondence of Macdonald*, Macdonald to Dufferin, private, 29 September 1873, 226-7.
- ¹¹⁸ W.T.R. Preston, *My Generation of Politics and Politicians*, 84.
- ¹¹⁹ NAC, Dufferin Papers, A 406, Dufferin to Kimberley, private, 28 October 1873.
- ¹²⁰ Charles Tupper, *Recollections*, 132.
- ¹²¹ *Ibid.*, 156-7.
- ¹²² NAC, Dufferin Papers, A 408, Kimberley to Dufferin, private, 29 October 1873.
- ¹²³ Lady Dufferin, *Journal*, 29 October – 5 November 1873, 132-3. Lady Dufferin had earlier marvelled with girlish glee that "When the House is sitting I may come and listen to debates, but the Governor-General may not!" *Journal*, 28 June 1872, 5.
- ¹²⁴ NAC, Dufferin Papers, A 406, Dufferin to Kimberley, private, 6 November 1873.
- ¹²⁵ *Ibid.*
- ¹²⁶ *Correspondence of Macdonald*, Dufferin to Macdonald, private, 4 November 1873, 230.
- ¹²⁷ NAC, Dufferin Papers, A 408, Kimberley to Dufferin, private, 20 November 1873.
- ¹²⁸ NAC, Dufferin Papers, A 406, Dufferin to Kimberley, private, 6 November 1873.
- ¹²⁹ NAC, Dufferin Papers, A 408, Kimberley to Dufferin, private, 20 November 1873.
- ¹³⁰ NAC, Dufferin Papers, A 406, Dufferin to Kimberley, private, 6 November 1873.
- ¹³¹ NAC, Dufferin Papers, A 406, Dufferin to Kimberley, private, 13 November 1873.
- ¹³² NAC, Dufferin Papers, A 406, Dufferin to Kimberley, private, 20 November 1873.
- ¹³³ NAC, Dufferin Papers, A 418, Dufferin to Lisgar, private, 13 August 1872.
- ¹³⁴ NAC, Dufferin Papers, A 416, Lisgar to Dufferin, private, 21 November 1873.

¹³⁵ Monck's advice might have been helpful to Lord Byng in 1926. NAC, Dufferin Papers, A 416, Monck to Dufferin, private, 22 November 1873.

¹³⁶ *Ibid.*

¹³⁷ NAC, Dufferin Papers, A 419, Dufferin to Lorne, private, 20 and 27 September 1873.

¹³⁸ NAC, Dufferin Papers, A 419, Dufferin to Lorne, private, 7 May 1874.

¹³⁹ The *Times* 6 November 1873, as quoted in William Leggo, *Administration of Dufferin*, 182.

¹⁴⁰ Richard Cartwright, *Reminiscences*, 111.

¹⁴¹ Alpheus Todd, *Parliamentary Government*, 641-2.

¹⁴² William Leggo, *Administration of Dufferin*, 138.

¹⁴³ Alfred Lyall, *Life of Dufferin*, 213.

¹⁴⁴ Arthur Berriedale Keith, *Responsible Government*, I, 125.

¹⁴⁵ Harold Nicolson, *Helen's Tower*, 151.

¹⁴⁶ C.W. de Kiewiet and F.H. Underhill, *DCC*, xxix.

¹⁴⁷ Ben Forster, "Blackwood.... Frederick Temple, first Marquess of Dufferin and Ava" in *Dictionary of Canadian Biography*, XIII, 73. Garth Stevenson observed that subsequent governors general tended to defer to Macdonald, but rather inaccurately contrasts this pattern with Monck "who had exercised some discretion in selecting Macdonald as the first prime minister, and Dufferin, who had forced Macdonald to resign over the Pacific Scandal". Stevenson is of course correct in the first instance but not in the second. Garth Stevenson, *Ex Uno Plures: Federal-Provincial Relations in Canada, 1867-1896* (Montreal: McGill-Queen's University Press, 1993), 260.

¹⁴⁸ NAC, Dufferin Papers, A 406, Dufferin to Kimberley, 13 November 1873.

“The line over which he must not pass”: Dufferin, Edward Blake and the
Establishment of Permanent Letters Patent, 1878

Constitutional history generally focuses on circumstances rather than individuals—the establishment of precedents, enactment of statutes, and legal interpretations. Only rarely, it would seem, are personalities a key factor. Yet changes in the office of Canada’s governor general have at times been a direct product of the man who filled it. One of the best examples of this is the establishment of permanent Letters Patent for the office in 1878.¹ Lord Dufferin, governor general from 1872 to 1878, had an activist conception of his role. Given the prickly and defensive character of Edward Blake, the Liberal minister of justice (1875-77), it is not surprising that steps would be taken to rein in a governor general who did not take a sufficiently forward-looking view of Canadian constitutional autonomy. It might be argued that the measures Blake urged, to spell out more clearly the limits of viceregal authority for Dufferin’s successors, were unwittingly inspired by Lord Dufferin himself.

Edward Blake is an intriguing character, insofar as his apparent ability did not translate into the degree of political success that might have been expected. Called to the bar in 1856, the Canadian-born Blake became a successful and wealthy lawyer. He entered politics in 1867, at the urging of George Brown, and served as a member of Ontario’s provincial legislature and the Dominion parliament simultaneously. He briefly served as Liberal premier of Ontario in 1871-72. He left provincial politics and first served as a minister without portfolio in Alexander Mackenzie’s Liberal administration in 1873-74. He made his greatest mark during his short tenure as minister of justice in 1875-77. Blake’s prominence is evidenced by his leadership of the Liberal party in opposition from 1880 to 1887. Even while Blake was engaged in politics, he continued his flourishing law practice, and was conspicuous in numerous high profile constitutional cases. He was lured away from Canadian political affairs with an invitation to sit in the British House of Commons for the Irish Nationalist Party in 1892.²

Despite Blake’s accomplishments, he was a “signal failure as a politician”.³ Regarded by many as the logical choice for the Liberal leadership, Blake cast a long

shadow over Mackenzie's administration, yet repeatedly declined to lead, or at times even to join, the cabinet. Dufferin described Blake as "honourable, high-minded" and "the first Lawyer in Ontario", but also found him "bitter, extremely sensitive, and apt to allow his passions to warp his ...judgment".⁴ In portraits, Blake appears to squint through tiny rimless spectacles. It is not surprising to learn that he blamed his frequent failure to recognise and acknowledge acquaintances on his poor eyesight.⁵ A contemporary described Blake as an "exhaustive debater" who feared making an incorrect statement and dazed his audiences by overloading his speeches with detail and references to original documents. This tactic understandably failed to ingratiate Blake with voters. Unlike Macdonald, the "morose" Blake made no effort to cultivate personal friendships. Macdonald was not a particularly skilled debater, but—unlike Blake—had the gift of inspiring the loyalty and affection of those close to him. Macdonald even took pains to congratulate young opposition members on their maiden speeches, as one Liberal remembered: "I have seen him turn his chair around and face a struggling fledgling in his vain attempt to rise from earth, and interject an encouraging 'Hear! Hear!'" to the merest platitude, when everybody else was waiting impatiently for his last words."⁶ Blake, by contrast, was sarcastic and caustic, yet so thin-skinned that he was known to dissolve into tears when criticised by colleagues.⁷ Physicians ultimately diagnosed Blake's condition as "neurasthenia", a nineteenth-century term for an ailment whose symptoms included headaches, insomnia, exhaustion and nervousness.⁸ Raised in an ardently Christian family, Blake was reputedly troubled by his inability to feel an emotional connection to God and was encouraged by his mother to believe that the loss of four of his eight children in infancy was the penalty for his worldliness.⁹

Blake's attitude toward the British connection was highly ambivalent. Dufferin acknowledged that Blake was "out of temper with British Domination" after paying a call to the Colonial Office and finding that the officials did not immediately know who he was. Worse yet, the under-secretary had attempted to engage him in pleasant conversation while he waited by expressing his hopes that all was well with "our friend" Macdonald.¹⁰ Naturally, this only reinforced suspicions that British authorities favoured the Conservatives. Dufferin had earlier worried that Blake might put himself at the head of the "Canada First" party, and fall into the orbit of

Goldwin Smith and others who advocated Canadian independence.¹¹ Blake's famous "Aurora Speech" of October 1874 was a rallying cry for greater autonomy. Citing the dangers of being dragged into foreign wars on Britain's behalf, and the general dissatisfaction with the Treaty of Washington, Blake called for the inculcation of a national spirit—"our share of national rights". Canadians, he reminded his audience, had "no right to complain" as long as they chose to avoid "the cares, the expenses and charges" of autonomy.¹²

While *The Times* maintained that "the Canadians may think themselves fortunate in attracting so valued a member of English society",¹³ Dufferin was just the sort of character to raise the hackles of those who wished to challenge tacit assumptions of colonial inferiority. Dufferin's speeches, while good-natured and amusing, at times betrayed an attitude of breezy superiority. He assured his audiences that abuse he suffered in the local press was as transitory "as the discipline applied occasionally to their idol by the unsophisticated worshippers of Mumbo Jumbo when their harvests are short, or a murrain visits their flock". He would remain, he insisted, "indifferent to praise or blame".¹⁴ Dufferin's lofty position in British society and intimate friendships with its leaders might well have daunted even the most self-confident Canadian. D.M.L. Farr has speculated that Dufferin made the mistake of playing the part of Viceroy of India—a position he sought and ultimately won—while ostensibly a constitutional ruler in Canada.¹⁵ Dufferin's discomfort with sitting on the sidelines was evident early on in his term of office. He confided to Carnarvon that, despite the opportunities for travel and good fishing, "I shall be glad when my term is over. The Governorship of a Colony with Constitutional advisers does not admit of much real control over its affairs, and I miss the stimulus of responsibility."¹⁶ The combination of characters—a governor with something of a "white man's burden" conception of Empire, and a leading member of the Liberal administration eager to assert Canadian autonomy—set the stage for friction, but also ultimately a clearer definition of Canada's status.

The very process by which the Liberal government came to power contained the seeds of future conflict. The "Pacific Scandal" arising from allegations of bribery surrounding the transcontinental railway contract ousted the long-reigning Conservatives from government. While normally inclined towards activism, during

this episode Dufferin played the part of a cautious constitutional ruler, refusing to take any steps to hurry the apparently corrupt Conservatives from office. The opposition, he allowed, was “very angry with me because I would not let them ‘chop their fox’ ...but required them to run him fairly to the ground, in a Constitutional manner”.¹⁷ Suspicions arose that Dufferin was being cautious not out of respect for constitutional principles, but because of a Conservative bias. He privately confessed that “it cut me to the heart, that a career so creditable to himself, and so serviceable to his Country, as that of Macdonald’s should have ended in such humiliation”. To the chagrin of the Liberals, Dufferin accepted the advice of the Conservatives, in the dying days of their administration, to fill a variety of patronage posts. Upon assuming office, Mackenzie considered cancelling the appointments, but Dufferin dissuaded him, excepting those still formally pending.¹⁸ Consequently, Mackenzie was depicted in a *Grip* cartoon as “The Political Mother Hubbard”, with no bones to throw to his supporters.¹⁹ Further, Mackenzie’s bid to have the party imbalance in the Senate corrected with the appointment of six additional Liberal senators was vetoed by the Colonial Office.²⁰ Dufferin had reservations about the abilities of the Liberals, describing them as “untried men, new to official life, and some of them imperfectly educated”.²¹ He considered Mackenzie to be “not ‘strong enough for the place’. He is honest, industrious, and sensible but he has very little talent.”²² Lady Dufferin, too, confessed after hosting a dinner for the new ministers that “I am trying to become a Grit, but I can’t quite manage it.” Using a skating metaphor, she complained that getting used to the Liberals “takes me as much time as the outside edge backwards”.²³ Mackenzie, for his part, had similar qualms about the governor general. He wondered at what lapse of judgement had led Dufferin to ask Macdonald “the drunken debauchee” to be godfather to his child²⁴, and predicted that his new administration would have to

take some steps to define their position and that of Parliament. With a man of so little prudence and so much vanity there is no safety without laying down the line over which he must not pass. Parliament is at present in the humour to assert its privileges and teach him a lesson.²⁵

Mackenzie’s words were prophetic. The rocky beginnings of the Liberal administration, complicated by the clash of personalities, set the stage for a protracted process of constitutional wrangling. The mutual distrust that tainted

Dufferin's relations with his ministers, and the ongoing stress of the unresolved conflict with British Columbia, added another layer of difficulty to the process.

The tensions arising from the Dominion government's unfulfilled obligations to British Columbia are an important backdrop to Dufferin's term, and do much to explain the climate in which Edward Blake was working. In seeking to define clearly the limits of the governor general's duties, Blake could hardly have dismissed from his mind his own struggle with Dufferin over fair treatment for British Columbia. It is little wonder that Blake would make it his personal project to see permanent Letters Patent established that would not trust to nebulous convention, but more precisely spell out the constitutional limits of the governor's role.

British Columbians had grounds for apprehension as the Liberals were swept into office in the wake of the Pacific Scandal. Mackenzie had already intimated that his railway policy would be more cautious and cost-conscious than that of the expansive Macdonald. Yet Mackenzie was mindful of the fact that a commitment had been made, and that any deviation from it would require the approval of British Columbia, along with adequate compensation. Early in 1874, the Liberal administration sent an emissary, J.D. Edgar, to British Columbia to negotiate new terms. The proposed terms called for a coach road and telegraph line initially, with a railway to the west coast to be commenced within three years of union, but no completion date named. One and a half million dollars was to be spent annually on railway building, and a line from Esquimalt to Nanaimo on Vancouver Island was to be built immediately. These new terms were rejected out of hand.²⁶

Dufferin had been keeping the new secretary of state for the colonies, Lord Carnarvon, apprised of the growing strain between the Dominion government and British Columbia. Henry Howard Molyneux Herbert, the fourth Earl of Carnarvon, had earlier expressed his gratitude at having "an old friend like yourself in Canada" and invited Dufferin to write "fully & unreservedly" to him, "not only as Secretary of State but as y[ou]rs most truly & sincerely".²⁷ Dufferin favoured private letters as well, since "even [in] a confidential Despatch one has to be so much less frank and open."²⁸ Both men had passed through the usual hatcheries of aristocrats in the service of the Empire—Eton and Christ Church, Oxford—although not at the same time; Carnarvon was five years younger. Carnarvon had briefly been under-secretary

for the colonies in 1858-59, and, as secretary of state for the colonies in Derby's administration, had steered the British North America Act through the House of Lords. Carnarvon had a reputation for indecisiveness; Disraeli called him "Twitters".²⁹ In March 1874, Dufferin confided to Carnarvon that it would be impossible to complete the railway according to the original schedule, and with the collapse of the charter organised by the Conservatives, "the whole undertaking has to be re-organized on a new basis".³⁰ Two months later, he warned that a settlement with British Columbia "seems further off than when I last wrote".³¹

Carnarvon took alarm quickly at the prospect of disharmony in the Dominion. In June, he received a written protest from the government of British Columbia which gave rise to a "grave apprehension... that... we may easily drift into a very serious difficulty". He discussed the matter with Richard Cartwright, Canada's finance minister, who was then visiting London, but found Cartwright non-committal. While Dufferin enjoyed a fishing holiday away from Ottawa, Carnarvon impulsively cabled a message to Mackenzie offering to arbitrate in the dispute.³² While Carnarvon showed every sign of wishing to plunge himself headlong into the emerging colonial dispute, Mackenzie's response to the offer was, in the colonial secretary's words, "of the curtest description".³³ Dufferin, upon his return, expressed to Carnarvon his wish that he had been in Ottawa to induce Mackenzie to adopt "a different complexion to his answer, as the poor man never dreamt of adopting a disrespectful tone".³⁴ It is tempting to speculate that Dufferin may have also regretted that his absence denied him the opportunity of restraining Carnarvon's enthusiasm, or of testing the waters first to see how his administration might receive an offer of arbitration. His communication with Carnarvon when he learned of what had transpired was a model of tact. He assured his chief that public opinion in British Columbia had become more favourable and that Mackenzie had learned to temper his "rash expressions". Things were not, therefore, quite as alarming as they might have seemed. Mackenzie, Dufferin explained, wanted to arrive at a solution without "having immediate recourse to your good offices". This would be "more creditable to him as a Minister than were he forced to acknowledge himself incapable of dealing with the difficulty, by a recurrence to your assistance". Mackenzie had also expressed fears that hopes of Imperial arbitration might have given rise to

“extravagant hopes” of compensation on the part of British Columbians. “[A]ll they seem to have meant by their clumsy telegram”, Dufferin insisted, “was, not that they were indisposed to take advantage of your very friendly and considerate offer, but that they thought the time had scarcely arrived for troubling you on the subject”. If his government found that they were mistaken, and that the thing was not “settling itself”, “they will undoubtedly be only too anxious to appeal to your assistance”.³⁵

Dufferin’s next communication with Carnarvon suggests that he may have twisted Mackenzie’s arm a little. He assured the colonial secretary that prime minister “intends to ask your good offices towards the settlement of the dispute, should it assume a more formidable character than he originally anticipated”. This was to be accompanied by an expression of Mackenzie’s “appreciation of your kindness and solicitude in undertaking a troublesome and obnoxious duty, for the purpose of helping himself and his Government out of a difficulty”.³⁶ Less than one week later, Dufferin wrote that, as he had already intimated, “my Government expresses its willingness to submit to your arbitrament [sic] the question as to whether or no they have failed or are failing to meet their engagements with British Columbia so far as the circumstances of the case admit”.³⁷ While the difference may be subtle, this sounds as if the Mackenzie government merely wanted the colonial secretary to endorse their existing railway policy—a policy Dufferin was convinced was “fair and reasonable”.³⁸ This would presumably put an end to any more expansive hopes on the part of British Columbians. It was also quite a different thing than weighing both sides of the issue and working out a compromise between them, which is how Carnarvon appears to have visualised his role. “If a *deus ex machina* is absolutely required, I shall be quite content to step down on to the scene & do my best”, he offered immodestly. Carnarvon agreed with Dufferin that “the Canadian view seems to me by no means unreasonable” but added “I shall however probably soon know more” since he was to meet with British Columbia premier George Walkem the next day.³⁹

Carnarvon lost no time in presenting his view. By mid-August he had made up his mind and communicated his decision to Dufferin. He described “the general purport” of his despatch of 16 August 1874 as being “to urge some few concessions wh[ich] I think Canada may reasonably make without prejudicing her position or her

interests".⁴⁰ While Dufferin feared it might be difficult to get parliament to vote more money in excess of that already offered, he had little doubt that his Government would be "most anxious to acquiesce in your adjudication the moment it reaches us."⁴¹ He was forced to admit soon afterwards that he was having "a terribly hard fight" with his cabinet.⁴² Nevertheless, a few days later he took credit for "inducing" his ministers to accept all of Carnarvon's terms, with some slight modifications. This modified plan, summed up in Carnarvon's official despatch of 17 November 1874, became known as the "Carnarvon terms". The terms included immediate construction of the Esquimalt – Nanaimo railway, intensified work on surveys for the main railway line, and immediate construction of a wagon road and telegraph line.⁴³ The Dominion government was to spend two million dollars annually on the construction of railway in British Columbia, with completion of the project by the end of 1890.⁴⁴ Dufferin was relieved that his administration agreed to these terms, even if they did not do it gracefully. He explained to Carnarvon that the real opposition came not from Mackenzie, but his colleagues.⁴⁵

The most troublesome of Mackenzie's colleagues would prove to be Edward Blake. Having resigned from Cabinet in February 1874, after serving only three months, Blake's opposition to any concessions to British Columbia was well known. His "Aurora" speech, delivered a month after the Liberals' acceptance of the Carnarvon terms, condemned the "insanity" of adhering to the bargain struck by the Conservatives. He cited the engineering obstacles of the proposed route through British Columbia's "sea of mountains" and asserted that the province should be invited to secede rather than "plunge this country into ruin".⁴⁶ "This", Dufferin explained to Carnarvon, "is what Mackenzie dreaded when he talked of the difficulty he should have with his party if he consented to go beyond his original offer".⁴⁷ This report worried Carnarvon. Blake's opposition could well be troublesome, he feared, as "anything which breaks down the B. Columbian settlement as now proposed would be unfortunate & very mischievous".⁴⁸ As the year 1874 drew to a close, however, Dufferin grew more optimistic. "My ministers will accept without demur your decision on the B.C. case", he predicted, "and I will take care that they write a handsome acknowledgement in reply". Support for Blake was eroding, Dufferin observed. His Aurora speech was "disapproved of by his friends" and Liberals were

beginning to prefer Mackenzie's "sober common sense" to Blake's "brilliancy".⁴⁹ Dufferin remarked with self-satisfaction that "I never lose an opportunity of impressing my Ministers with the handsome way in which you have behaved to them". "[A] Colonial Government", Dufferin noted, "is a kittle team to drive", especially with "two loose horses like Brown and Blake rampaging about on either side of the leaders".⁵⁰ Blake continued to needle his Liberal colleagues by condemning the Carnarvon terms in the Commons. Since it was Canada, and not the Imperial government, that was to bear the cost, Canada's decision should be the one that fixed the terms. If these terms were to be offered, it should be because it is best for Canada, "not because Lord Carnarvon said so", Blake maintained.⁵¹

To Dufferin's surprise and disappointment, the bill for the construction of the Esquimalt - Nanaimo railway, the only portion of the terms submitted to parliament, was narrowly defeated in the Senate. While most of the votes against the bill were Conservative, two Liberals opposed the bill—votes that proved to be decisive in its defeat. The Liberal government therefore bore most of the blame for the failure of the bill, not least because, while introducing the bill into the Senate, R.W. Scott, the Liberal leader in the upper house, announced that it was the product of "the interference of the Imperial Government".⁵² Dufferin was quick to see the hand of Blake in this unwelcome development.⁵³

While the defeat of the bill need not be traced directly to any machinations by Blake, he was quick to marshal the forces of opposition to concessions to British Columbia. Mackenzie soon realised that it would not be a simple matter of reintroducing the bill in the next session, and became convinced that Blake was needed in his ministry. Blake was now willing to re-enter Cabinet, but named conditions under which he would serve. The railway on Vancouver Island was to be abandoned, a cash subsidy being paid instead, and the annual expenditure of two million dollars to construct the railway to the Pacific was to be subject to the provision that the rate of taxation not be raised.⁵⁴ Blake entered Mackenzie's cabinet as Minister of Justice in May 1875. The storm over the Liberal government's abandonment of the Carnarvon terms would break when the new policy was announced in the autumn.

Shortly before Blake entered Mackenzie's cabinet, an issue came to the fore that may have contributed to the new minister of justice's notion that the power of the governor general required more careful definition. The issue of the governor's exercise of the prerogative of mercy arose over Dufferin's wish to help his administration negotiate the contentious question of justice for the Red River insurgents. In the autumn of 1874, Ambroise Lépine, an associate of Louis Riel, stood trial for the murder of Thomas Scott during the 1870 rebellion. Opinions had widely circulated that both Riel and Lépine were entitled to amnesty, based on an agreement reached with the Dominion government at the time. Lord Lisgar, governor general during the rebellion, had promised the rebels that "in case of your immediate and peaceable obedience and dispersion, I shall order that no legal proceedings be taken against any parties implicated in these unfortunate breaches of the law".⁵⁵ Archbishop Taché arrived at Red River on 9 March 1870 to join the commissioners already there. He bore Lisgar's proclamation along with a written assurance that "the Imperial Government has no intention of acting otherwise or permitting others to act otherwise than in perfect good faith towards the inhabitants of the Red River District and of the North-West".⁵⁶ Unfortunately, Scott had been killed days before the archbishop's arrival. Dufferin marvelled later that it did not occur to Taché that Scott's murder should have altered the situation, but found that "[a]s frequently happens in the case of Priests and women, murder and bloodshed seem to have made less impression upon him, than they would have done on a more masculine mind".⁵⁷ Dufferin warned Carnarvon that the Catholic clergy were now attempting to suggest Lisgar broke faith with them and the Manitoba rebels.⁵⁸

Dufferin suggested to Carnarvon that the issue of amnesty for Riel and his associates might be "one of those occasions upon which the Imperial authorities might intervene with advantage, and solve a problem beyond the grasp of local statesmanship".⁵⁹ Dufferin recognised the divisiveness of the question, with the Protestants of Ontario crying for revenge for a martyred Orangeman, and the French and Catholics insisting that the promise of amnesty be honoured. Early in November 1874, Dufferin reported that "to the astonishment of everybody" Lépine had been found guilty by a mixed jury and sentenced to death. The matter was now a simpler case where mercy for a convicted criminal might be sought, rather than justice for a

persecuted patriot.⁶⁰ A long conversation with “the most intelligent” of his French ministers convinced Dufferin that his administration could be extricated from its embarrassment if the imperial government would deal leniently with the case.⁶¹ Dufferin telegraphed the colonial secretary to ask his permission to relieve the Canadian government “of the odium of dealing with the case, and allow me to decide in your name as to what is to be done with Lepine”.⁶² Carnarvon agreed but insisted that there must be a distinct request from Dufferin’s ministers lest he “be accused of interference and the blame ... very conveniently laid on my shoulders”.⁶³ The colonial secretary also felt strongly that Lépine should receive a prison term, not a complete pardon. He reminded Dufferin that his instructions as governor general clearly specified that he was empowered to exercise the prerogative of mercy personally, irrespective of his government’s advice, but believed that Dufferin should secure an express request from his government, stating that the problem is beyond their strength to solve. In any case, he reassured Dufferin that “you can act under your own powers & may act, knowing that you will have my support”.⁶⁴

The governor general let Carnarvon know that his ministers were grateful for the assistance, but expressed his own fear that the Liberal administration would be accused of weakness, “of trying to shelter themselves behind the Governor General”. Dufferin proposed a “slight modification”: his government should determine to invoke the intervention of the imperial government. Dufferin himself should then telegraph to the Colonial Office to advise this. At the same time he would indicate that he was prepared to exercise his personal prerogative of mercy but was unwilling to do so without previously informing the imperial government of his council’s decision. The colonial secretary might then advise the governor general in reply that he approved of his decision to use the personal prerogative. “By this means”, Dufferin explained, “I should appear to be acting, not merely as the ordinary head of the Canadian Administration, but as specially charged by The Queen to regulate this matter”.⁶⁵ The Queen’s name “is regarded here with such veneration and commands such immediate submission, that a decision emanating from that mysterious and impersonal origin, is more likely to be acquiesced in”. It was not that he shrank from the responsibility, he protested. He did not earn £10,000 a year by “transferring to

other people the solution of difficult questions". "As to a row," he continued, "I think I rather like it,—it braces one's nerves, and enlivens the tedium of exile."⁶⁶

Mackenzie's administration insisted on delaying any action until the Ontario provincial elections were over, and in January 1875 Carnarvon composed a despatch along the lines Dufferin suggested.⁶⁷ Dufferin accordingly commuted Lépine's sentence to two years' imprisonment.⁶⁸ This approach may have helped dampen sectional bitterness in Canada, but it did not prevent the opposition from recognising that the tactic was used as a shield for a political dilemma. A political cartoon depicted "Loyalty in a Quandary; or, The 'Lepine Case' Made Plain". Mackenzie is shown with documents labelled "Lepine's Commutation" protruding from his pocket. He cowers behind a large mask of Dufferin's face which bears the label "Royal Prerogative". A frustrated Macdonald holds a stick but hesitates, complaining, "Now, I'd like to know just how to give the fellow a pummeling [sic] without damaging the figure head!"⁶⁹ Despite the government's attempt to avoid controversy, the episode brought the question of responsibility for the prerogative of mercy into the open. Blake had not been in cabinet when Mackenzie's administration settled upon the solution of allowing the prerogative to be used "independently". Had he been, it is unlikely he would have endorsed such a measure.⁷⁰

Almost immediately after Lépine's reprieve, Blake took up the cause that forms the focus of this chapter: a clearer definition of the duties of the governor general. In March 1875, Dufferin reported to Carnarvon on a "sudden exhibition" of the "peculiar temperament" of Edward Blake. This was a notice of motion concerning the question of disallowance, and whether the governor general was permitted to exercise it independently, or only on advice. Dufferin quickly decided, however, that he had been unjust to Blake, and that the proposed motion was "not so uncalled for and gratuitously hostile to the Imperial Government as I had imagined". Instead, it was inspired by an ongoing debate over New Brunswick's legislation to eliminate funding for Roman Catholic education in the province, a matter that, although within provincial jurisdiction, touched upon provisions of the British North America Act.⁷¹

Blake's motion referred to a despatch dated 30 June 1873 from Lord Kimberley, then colonial secretary. This despatch asserted that, with respect to disallowance of provincial legislation, the governor "must act on [his]...own individual discretion" and that in this matter he "cannot be guided by the advice of [his]...responsible Ministers of the Dominion". This principle, if acted upon, Blake insisted, would "destroy all Ministerial responsibility and impose on the Governor General a responsibility not intended by the ... [British North America Act], and at variance with the Constitution". The British North America Act clearly vested the power of disallowance with the governor general *in council*, he argued.⁷² Dufferin maintained that a delicate constitutional matter of this sort should not be dealt with hastily by the House of Commons. Blake, he told Carnarvon, "is not a sound constitutional Lawyer... and he has proved almost invariably wrong in...various opinions". Being found in error was galling to Blake, Dufferin suggested, and he was "in a very bitter frame of mind against the Law Officers of the Crown". Since he imagined he "caught ...[them] tripping, he had determined to take his revenge".⁷³ Dufferin undoubtedly had in mind the earlier episode, in which Blake, though not in Cabinet, led protests against the decision of the Queen's Law Advisers to disallow the Canadian Oaths Bill, which had been enacted to facilitate the taking of evidence about the Pacific Scandal. Blake, Dufferin noted at the time, "talked of the impropriety of English Lawyers 4000 miles away over-ruling the legal wisdom enshrined in the Canadian House of Commons".⁷⁴ Dufferin now maintained that the despatch of 1873 was simply intended to guide an inexperienced governor and to remind him that he was the guardian of the legal rights of the confederated provinces. "[I]f his Ministers counselled him to sanction an illegal proceeding", it would be his duty to refuse, in which case the ministers would be compelled to back down or resign. "I told Mr. Blake", he recounted, that "...no Ministry could stand up against the Governor General" and that if they remained in office, they were avowing themselves to be responsible for what had been done. This was true, Dufferin argued, even in exceptional cases, such as when the governor general pardoned a criminal "contrary to the wishes and opinions of his Ministers". Nonetheless, he reminded Blake that the imperial government had "the extreme desire... to avoid everything approaching to an irritating control or interference with the domestic

concerns of Canada". Dufferin warned Carnarvon that "an excessive jealousy of British control" was growing among Blake, Goldwin Smith, and others of influence, and that all despatches dealing with the power of the governor general and the relations of the two governments should be worded with "the most excessive caution".⁷⁵ Dufferin secured Mackenzie's promise that he would convince Blake to withdraw his motion. After a brief Commons debate in which both Mackenzie and Macdonald expressed general agreement with the constitutional principles Blake asserted, the motion was withdrawn.⁷⁶ The matter, Dufferin told Carnarvon, "is left in as favourable a position as possible for the Colonial Office to deal with it".⁷⁷

Ironically, not long afterward—at a time when Blake was seeking a narrower definition of the governor general's role—Dufferin submitted a plan to the Colonial Office which would see it transformed into a Viceroyalty. Such a change, he argued "would be regarded as a fresh intimation of the intention of this country [Britain] to maintain her connection with her Colonies". Dufferin also believed that asserting the dominance of the governor general over the lieutenant governors would "exalt the prestige of the central Executive Authority... and... minimize the importance of the Provincial Governments", which he believed was in keeping with Macdonald's original plan for "a Legislative instead of a Federal Union". An increase in salary would naturally be warranted and Dufferin was confident that his ministers would be "quite willing" to implement a fifty-percent increase from £10,000, which was "quite inadequate", to £15,000.⁷⁸ Unfortunately for Dufferin, this suggestion failed to come to fruition⁷⁹ and Dufferin was one in a series of governors general who found that he would have little to show for his years of service in Canada.

Even as Dufferin argued for the elevation of the governor general's status, events had been set in motion that would instead augur a curtailment of gubernatorial power. The traditional prerogative of mercy, so recently brought under scrutiny in the *Lépine* case, seemed to be inconsistent with the principle of responsible government. Both before and after Confederation, the Royal Instructions issued to the various governors general referred to the power to pardon criminals and specified that if the governor general should see cause to consider pardon or remission, he should consult with his privy council and receive their advice. "[B]ut in all such cases" the Instructions continued, "you are to decide whether to extend or withhold a

pardon, according to your own deliberate judgment whether the Members of Our said Privy Council concur therein, or otherwise". The governor general was then to provide at length the reasons for his judgment for the minutes of the Council.⁸⁰ Whether or not such instructions were to be taken literally remained to be seen.

In 1869 the Executive Council of New South Wales had addressed the secretary of state for the colonies, Lord Granville, on the subject of the prerogative of pardon, seeking to clarify the degree of personal responsibility the governor possessed. Was he to be guided by his council or should he exercise his own independent judgement?⁸¹ Granville responded that the governor was "bound to allow great weight to the recommendation of his Ministry" unless any Imperial interest was involved, but asserted that the governor "has undoubtedly a right to act upon his own independent judgment".⁸² In 1871, Granville's successor, Lord Kimberley, issued a circular despatch on the subject of the power of the governor to grant pardons, referring to questions raised in New Zealand. Kimberley's despatch dealt with the various types of cases in which pardon might be considered and warned against the practice of having the governor sign blank pardons to be used during his temporary absence from the colony. The governor, Kimberley emphasised, was "bound to examine personally each case". While allowing that the governor "will of course pay due regard to the advice of his Ministers, who are responsible to the Colony for the proper administration of justice... and will not grant any pardon without receiving their advice", Kimberley side-stepped the issue of what should happen if he and his ministers should disagree.⁸³ This prompted a request from New South Wales for guidance on "a different, although a kindred point; namely, in what cases the governor ought to consult his Ministers before granting or refusing a pardon, and how far, if at all, he is bound by their opinion".⁸⁴ Kimberley delayed responding to this query until February 1873, in order to receive answers from other colonies to which his circular despatch had been sent. There was, he insisted, "no real inconsistency, as is apparently supposed, between my circular and Lord Granville's despatch of the 4th October 1869". The governor, in exercising the Queen's prerogative, had a right to independent judgement, but in a colony with responsible government a governor would, as Granville explained, "be bound to allow great weight" to the recommendations of his Ministry. He would "be bound

not to grant any pardon without receiving their advice thereon".⁸⁵ Once again, he neatly evaded the issue of what should happen if the governor should disregard his ministry's advice, after giving "great weight" to it. New South Wales was left to wrestle with finding a practical formula that would not result in clashes of authority.

The exercise of the prerogative of pardon was a matter in which individual governors took varying degrees of interest.⁸⁶ Feo Monck, Lord Monck's sister-in-law, was told by Macdonald that Sir Edmund Head

had the greatest horror of sentencing a man to be hung—it used to depress him for weeks, and made him utterly wretched, so that John A. [Macdonald] used to *dread* having to announce to him when it was necessary. When Sir E[dmund Head] went home on leave Sir F[enwick Williams] administered the Government here, and during his reign came the necessity for a man being hung. John A., in dread of having to tell Sir F[enwick Williams] of it, went to him and said 'This man has committed an atrocious murder, and I am afraid he *must* be hung.' He was electrified by the cheery answer 'I *quite* agree with you; *of course* he must be hung; hang, hang, hang them all when they deserve it.'⁸⁷

It might be predicted that Dufferin would take his duties as dispenser of justice and mercy very seriously. While on leave at his Clandeboye estate in the summer of 1875, he was indignant to learn of an episode which had arisen in Canada which seemed to threaten his personal exercise of the prerogative. Blake, then minister of justice, submitted to the administrator, Lieutenant-General Sir William O'Grady Haly, a recommendation that the sentence of a condemned prisoner be commuted. The administrator had doubts about the wisdom of exercising mercy in this particular case, but before he had time to consider Blake's recommendation, the prisoner had received a telegram advising him that his sentence had been commuted. When Dufferin found out what had occurred, he responded with a stiff letter to Mackenzie. His complaint was not with the particular case, but with the violation of secrecy and the infringement upon the prerogatives of the Crown. "If the Crown were to step one hair's breath beyond the line of its proper jurisdiction there would be such an outcry throughout the land as almost would betoken a revolution", yet one of the Crown's "most sacred functions" had been interfered with. He insisted that Mackenzie investigate how this had occurred, so as to prevent "such a gross infraction of duty on the part of any of Her Majesty's Ministers" in future.⁸⁸ Carnarvon was quick to agree with Dufferin's rebuke of Mackenzie. Such a gross act of irregularity "if

sanctioned would make all Gov[ernmen]t. impossible".⁸⁹ He made reference in a later letter to telegrams he had received from General Haly, presumably advising him of this incident, and wondered if Blake was "at the bottom of the matter".⁹⁰ As minister of justice, Blake was known to be very reluctant to impose the death sentence. He reportedly confided to a grandchild that this fear had been his deepest reason for not wishing to be a judge.⁹¹

Carnarvon had inherited the unresolved question of the degree to which the colonial governors might exercise the prerogative in opposition to advice. The motion which Blake had withdrawn in March 1875, which maintained that the governor's duties were to be carried out on the advice of council, brought the issue once again to the forefront, and Carnarvon attempted to deal with it in November of that year. He sent Blake copies of the correspondence with New South Wales for his perusal but insisted that the question would ultimately have to be decided by the Judicial Committee of the Privy Council, should a colonial case arise as a test. "I feel that there is, for the present, at all events, no practical necessity for an authoritative or conclusive determination"; a "rigid rule" was not in keeping with the spirit of the Constitution.⁹² Blake did not agree.

With respect to the governor general's right to disallow provincial legislation, Blake maintained that this should only be done on the advice of his Dominion ministers, since provincial legislation, by definition, dealt only with domestic matters and would not involve imperial issues. The power of disallowance of Canadian Dominion statutes was vested by the British North America Act in the Queen *in council*. It followed, Blake argued, that the power of disallowance of provincial statutes was to be exercised by the governor general in council. While the governor could not disallow a provincial statute without or against the advice of his ministers, neither could the ministers disallow a provincial statute without the assent of the governor, Blake asserted. In each case, the ministers had to assume responsibility for actions taken, and must resign in the case of a dispute. Blake challenged Carnarvon's rejection of a "rigid rule" and argued for "a plain statute of the well-settled rules". He also took issue with the Colonial Office's interpretation of the use of the prerogative of mercy, pointing out that existing interpretation "authorizes and indeed requires the governor to act in the exercise of that particular prerogative in

some manner and to some extent differently from the mode in which he is ordinarily to act", and indeed invests him "with exceptional power". The same principle applied to this power as to every other power over provincial and Canadian interests which were vested in the governor in council by the British North America Act. The governor's ministers, Blake insisted, "are responsible not merely for the advice given but also for the action taken.... The importance to the people of the advice given by Ministers is in precise proportion to its effectiveness." Any contrary interpretation would mean that there was only a shadow of responsible government, and that it did not exist in substance. Blake went on to claim that the "thorough understanding" which existed between Dufferin and his advisers "are of themselves sufficient to render improbable any serious difference of opinion" but a clear statement of their relative rights and duties was nonetheless necessary.⁹³ In fact, while the quality of mercy may not have been strained, relations between Dufferin and the Liberal cabinet frequently were.

In November 1875, Carnarvon suggested to Dufferin that Blake be invited to England, partly in order to discuss legislation to establish Canada's Supreme Court⁹⁴ but also as a means of reconciling Blake to imperial authority through personal social contacts. Dufferin considered Carnarvon's suggestion "a most happy thought" and reflected that it would be of great service to Blake to bring him "into contact with men superior to himself both intellectually and professionally". "He lives here amongst toadies and flatterers" Dufferin explained, and a dose of British civility "will send him back to us in a better temper with England". Despite his difficult nature, Blake was "well worth being educated into a more generous and genial frame of mind".⁹⁵ As it happened, Blake's schedule would not permit a visit to Britain until several months later, in the summer of 1876. By this time, the sources of friction had multiplied to the point that no amount of aristocratic hospitality was likely to win Blake over.

The plan for a Supreme Court for Canada had not originally been Blake's project. Indeed, it had been part of Macdonald's vision at the time of Confederation but the scheme had been delayed for a variety of reasons, chief of which was the difficulty in arriving at a formula acceptable to the province of Quebec.⁹⁶ The project was resurrected under the Liberal regime, and T  lesphore Fournier, minister

of justice proposed to eliminate the practice of appeals to the Judicial Committee of the Privy Council. An amendment to the bill was moved to this effect, "saving any right which Her Majesty may be graciously pleased to exercise as her royal prerogative".⁹⁷ This amendment became the controversial Clause 47 of the Supreme Court Bill. Even as the amendment was moved, protests arose in the Commons, most notably from Macdonald, that the measure would serve to sever an important tie between Canada and the mother country.⁹⁸ The bill nonetheless passed, squeaked through the Senate, and was given royal assent by Dufferin in April 1875. Dufferin confided to Carnarvon that he "had some hesitation about assenting" to the measure, but after discussion with his ministers, decided that it was within the competence of the Canadian parliament.⁹⁹

While Blake had not been an important actor in the drafting of the Supreme Court Bill, he was the minister of justice by the time the matter came before the British government. The law officers of the Crown had serious reservations about the legality of Clause 47, and the prospect of disallowance loomed. Dufferin had the disagreeable task of breaking the news to Blake, and securing his agreement to delay opening the Supreme Court until a decision was reached. Blake, Dufferin complained, was "very eager and excited about the matter" and "evinced a great capacity for ill temper on the subject, should he be thwarted in his present views". Among other things, Blake hinted that appeals to the Judicial Committee of the Privy Council were being protected in order to generate business for a legal clique in England.¹⁰⁰ Blake prepared a memorandum on the question, and while Dufferin thought the wording was too strong, he agreed with the principles stated and let Mackenzie know that he would support their view and recommend to Carnarvon that the Act be allowed to stand.¹⁰¹ But it would not be that simple. The Lord Chancellor, Lord Cairns, dismissed Blake's memorandum as "a mass of inaccuracy and bad reasoning".¹⁰² The Supreme Court was only one of the issues that Blake discussed with imperial authorities during his visit in the summer of 1876. A personal interview with Lord Cairns left an exasperated Blake complaining that "our whole relations with the Home Authorities are such as render 'negotiations' intolerable to me. With every desire to oblige and to do what is right according to their lights *they have no light*."¹⁰³ While it was ultimately decided to leave the Supreme Court Act

intact on the understanding that Clause 47 did not in fact eliminate the right of appeal to the Judicial Committee of the Privy Council, the disagreement added fuel to the fire of Blake's enmity toward the imperial authorities—enmity that made relations with Dufferin increasingly difficult.

Among the other issues that Blake discussed during his visit to England were the constitutional powers of the governor general, and the ongoing difficulty between the British Columbia and Dominion governments. In February 1876 the Colonial Office had received the lengthy memorandum from Canada's privy council on the governor general's exercise of the prerogative of mercy and disallowance of provincial legislation. Dufferin deduced that this memorandum was "almost entirely the work of Mr. Blake", and showed Blake's usual spirit, "an irritable desire to limit and curtail the Imperial authority and influence over the domestic affairs of the colony".¹⁰⁴ Dufferin also let the colonial secretary know that he had dissuaded Blake and Mackenzie from raising the issue of the Instructions in the House of Commons "with a view I imagine to gaining a little credit for their championship of the liberties of Canada". "One has to be very sharp with these people, for they are always intent upon making a little political capital for themselves", he observed.¹⁰⁵

The long-smouldering railway dispute flared up once again early in 1876. In September 1875, an order-in-council had been issued stating that any terms with British Columbia would be subject to the government's adherence to the original provision of the Canadian Pacific Railway Act of 1872 that there be no increase in the existing rate of taxation. The Carnarvon terms were understood to themselves be subject to this. Further, since the Esquimalt-Nanaimo Railway had been defeated in Senate, the provincial government of British Columbia should consider undertaking that project themselves, and some form of compensation should be offered to British Columbia for delays which might take place in the construction of the Pacific Railway. The order-in-council named a figure of \$ 750,000. It was not altogether clear whether this was meant to be compensation for the abandonment of the island railway, or for delays in construction of the main line. While Mackenzie avowed authorship of the order-in-council, Blake was obviously its inspiration. He, not Mackenzie, could claim to have maintained all along that he understood that any terms made with British Columbia were subject to the provision of no tax increase.

He had not been in government when the ministry agreed to Carnarvon's intervention, and accepted the compromise. For Mackenzie to claim now that the Carnarvon terms were subject all along to this limitation was clearly an act of bad faith.¹⁰⁶ Not surprisingly, in February 1876, Dufferin had to write to tell Carnarvon that British Columbia had rejected this new offer by the Mackenzie government, and would likely turn to the Colonial Office for enforcement of the earlier agreement. He admitted nevertheless that "however right and proper it may be to keep Canada to her bargain, it must be remembered that the community for whose sake we are about to hurry forward this tremendous enterprize, scarcely numbers twelve thousand people". In a somewhat contradictory vein, Dufferin went on to say that "no hint of any further modification of ...[the railway terms] could be listened to for a moment".¹⁰⁷

Dufferin remained convinced of his ministers' good faith toward British Columbia through the spring of 1876. In March he reported to Carnarvon on his long conversations with Blake about the project and was assured as to the government's bona fide intentions to push forward on the construction of the railway. "[E]very nerve is being strained", he believed.¹⁰⁸ By the end of the month the idea had occurred to Dufferin that he himself might go to British Columbia to try to smooth things over. He could act "in the double capacity" of Carnarvon's agent, and a representative of the Dominion. Dufferin suggested Carnarvon write to him proposing it, especially since Mackenzie had not seemed averse to the idea.¹⁰⁹ Carnarvon pronounced the idea "an admirable one" and "a great relief to me".¹¹⁰ Dufferin admitted to Carnarvon of the danger "of my own Government playing me false, and subsequently throwing me overboard" but insisted that he would "take such securities that they could not do this". Blake had reportedly "acknowledged explicitly" the government's obligation. Dufferin believed his appearance would satisfy British Columbia and that "she would believe me, even though she has so completely lost faith in the asseverations of my Ministers".¹¹¹

In planning his mission to British Columbia, Dufferin was conscious, nevertheless, of his cabinet's growing resentment of imperial interference. They were very sensitive, he warned Carnarvon, and apt to "scan with extreme jealousy every phrase which emanates from the Colonial Office". Even worse, they had been so

ungrateful as to speak in the Commons “with some bitterness of your having dictated the recent terms made with British Columbia”.¹¹² Blake, he said, did not want the governor general’s mission to seem to be in any way ambassadorial, and was wary of language “which implies a claim on the part of the C[olonial] O[ffice] to intervene in this dispute in the character of an arbitrator”.¹¹³

Relations between Dufferin and the Canadian government did not improve as the date of his western journey approached. By May, Dufferin described his interviews with Mackenzie as “stormy” and began to suspect the prime minister of “preparing the way for an evasion of the obligations into which he had voluntarily entered with British Columbia”. Mackenzie was using “shifty and ambiguous language” and Dufferin accused him of planning to “cook... the Public Works accounts” and spend money elsewhere in Canada to make it appear that additional taxation would be needed to construct the Pacific Railway. He “also suggested to Mackenzie that perhaps he was not strong enough to control his Cabinet or at all events Blake and Cartwright”, a charge that would have almost certainly struck a nerve with the embattled prime minister.¹¹⁴ Fearing that the cabinet was “getting out of Mackenzie’s hands”, Dufferin met with Blake and Cartwright in his presence. This meeting did not reassure Dufferin. Blake evidently had no sense of any moral obligation *vis à vis* British Columbia. Further, Dufferin came away more convinced than ever that Blake and Cartwright had “the upper hand” with Mackenzie, and were “driving him into a cross-grained perversity of temper towards us, which is quite uncalled for, and by no means natural to him”.¹¹⁵ In this climate of mistrust and apprehension, Dufferin departed for British Columbia to defend the record of the Liberal government and vouch for their good faith.

The viceregal party, which included Lord and Lady Dufferin, Dufferin’s military secretary, two aides-de-camp, and three journalists, in addition to various servants, started from Ottawa on 31 July 1876. They travelled by rail via Chicago and San Francisco, and then went on to Esquimalt by steamer.¹¹⁶ As they made their way by carriage from Esquimalt to Government House in Victoria, Lady Dufferin remarked that progress was at a foot’s pace, since “every one of the 5,000 inhabitants of Victoria must have been out in the streets”.¹¹⁷ Their passage through almost every town was celebrated with arches of welcome, many of which bore political

messages. Some of the slogans were predictable expressions of loyalty to the crown, but others were more pointed in their message. These included, "Our Railway Iron Rusts", "United without Union", "Confederated without Confederation" and, more provocatively, "Carnarvon Terms or Separation".¹¹⁸ Dufferin spoke to the group who had erected the so-called "rebel arch" and suggested that he would gladly pass under their arch if they changed the 'S' for Separation to an 'R' for Reparation. They refused to do so, however, and the viceregal party detoured to go down another street.¹¹⁹

Dufferin's many meetings with leading British Columbians reinforced the fact that all were not of one mind about the railway. A mainland newspaper disavowed the very vocal contingent from the island, challenging the "cool assumption on the part of a few Victorians to speak for the whole Province entirely in the interest of Victoria".¹²⁰ Dufferin refused to accept an address calling for separation, but agreed to meet with the deputation.¹²¹ Victoria journalists were not impressed. They complained of the "waste of four mortal hours" listening to "Vice-Regal subterfuges and queries—all of which had to be suffered under the ban of secrecy". Dufferin's reassurances were branded "an attempt to hoodwink and bilk the people in the name of royalty; an effort to shirk royal responsibility whilst acting as Vice-Regal spy".¹²² Dufferin reported to Carnarvon that discontent seemed to be confined to Victoria, and that stemmed from the abandonment of the Esquimalt-Nanaimo railway, a concession he now believed had been unwise and impractical.¹²³ Dufferin logged long hours in meetings with various supplicants. Lady Dufferin joined her husband for the scheduled social activities, but complained privately that, for most of the time, "D. was, as usual, shut up with some argumentative Victorian".¹²⁴ Dufferin's secretary confided that His Excellency "finds very great difficulty in keeping his temper with these foolish people".¹²⁵

The viceregal party travelled to the mainland, and were feted at various communities. Prisoners in New Westminster were roused from their cells to pluck chickens for the banquet, and were set to work in chains polishing the floor for the ball.¹²⁶ After visiting the province's northern coast and interior, Dufferin telegraphed Mackenzie from Victoria to propose that a conference for provincial and dominion delegates be held in London. This was "the only chance I see of an amicable

settlement", he told Carnarvon. Mackenzie "peremptorily" declined to consider the scheme.¹²⁷

Dufferin's tour culminated with a speech at Government House in Victoria on 20 September 1876. As it was widely expected that he would announce some new concession, the speech attracted considerable attention.¹²⁸ Dufferin's two-hour speech began with the predictable compliments, praising the beauty and progress of the province. "But" he conceded, the province's resources were of little service if they remained "locked up in a distant, and, at present inaccessible corner of the Dominion". He warned that he had not come to British Columbia on a diplomatic mission, nor was he entrusted with any announcement from the Dominion or Imperial government. He insisted that he had no wish to coax his audience into "any line of action which you may not consider conducive to your own interests" but testified only to Canada's wish to preserve harmony. Dufferin acknowledged the lack of progress made on the railway, but enumerated the myriad obstacles—the economic downturn and, especially, the geographical challenges. Mackenzie's position, as one who had been called upon to fulfil a promise "which he knew, and which the country had come to know, could not be discharged", was "a very embarrassing one". The Carnarvon terms had promised a way out of the difficulty. Dufferin insisted on Mackenzie's good faith, pointing out that the chief engineer had been given *carte blanche* to spend money on surveys. Dufferin acknowledged that the Esquimalt-Nanaimo railway had been distinctly promised and that non-fulfilment of the commitment would naturally provoke bitterness. Vowing that he "would sooner cut my right hand off than utter a single word that I do not know to be an absolute truth", the governor general maintained that Mackenzie was not responsible for the defeat of the bill in the Senate. He saw the prime minister the day after the bill's defeat and "I have seldom seen a man more annoyed or disconcerted". The Senate nevertheless was exercising its constitutional function, and there was "not the slightest chance" that Carnarvon would attempt to "coerce" Canada's legislators. The Dominion government, meanwhile, had not given up, but had offered compensation of \$ 750,000, the adequacy of which Dufferin refused to debate. In the event of "any re-arrangement of your political relations", Victoria "would be the chief sufferer", he predicted. Once the main line of the railway was under way, the

mainland would be “perfectly contented” and New Westminster could become the seat of government. A governor general, he reminded them, was “a Federalist by profession, and you might as well expect the Sultan of Turkey to throw up his cap for the Commune as the Viceroy of Canada to entertain a suggestion for the disintegration of the Dominion”. This is why, he explained, he refused to bow his head under the separation arch. The arch was “a very good-humoured, and certainly not a disloyal bit of ‘bounce’”. “I suppose” he joked, “they wished me to know they were the ‘arch’ enemies of Canada. Well, I have made them an arch reply.” Dufferin closed his speech by expressing his hope that his next visit to British Columbia should be by rail.¹²⁹ Dufferin’s speech, hastily prepared at a very busy time, stopped short of taking any side in the dispute and avoided implying any specific obligation.¹³⁰ Yet despite Dufferin’s avowed refusal to defend the actions of his ministers, the speech veered more in this direction than might be expected in a statement emanating from a constitutional head of state. Dufferin’s proclivity for peacemaking coloured his approach and he was unable to overcome his natural wish to win over the people of British Columbia by trying to sell them on his government’s good will.

His public sentiments notwithstanding, Dufferin’s grave doubts about the Liberal railway policy worsened in the wake of his trip.¹³¹ Privately, Dufferin confided to the colonial secretary that “I am quite aghast at the blundering of my Ministers, which has been far greater and more inexcusable than I could have imagined”. He recalled that he had warned Kimberley that the Liberals “had not the experience or the capacity sufficient to keep things straight, and the mess into which they have got with this Province has only too accurately realised my prediction”.¹³² When he reached Toronto, Dufferin sent Carnarvon a lengthy report of his findings. The chief complaint in Victoria he found was the ambiguity surrounding the order-in-council of September 1875 which promised the province \$750,000 in compensation. Dufferin insisted that this amount “has always been explained to me and is now only talked of by my Ministers, as compensation for the Esquimalt and Nanaimo Railway”, but the order itself actually said the compensation was “for any delays which may take place in the construction of the Canadian Pacific Railway”. Dufferin maintained that had he, and not the administrator, been on the scene when

the order was passed, this badly-phrased expression would have been challenged. Now, suspicions existed that Mackenzie had deliberately set “a trap to induce British Columbia to forego her entire treaty rights”. Dufferin told Carnarvon that he had sought to combat this unfounded accusation in his speech, along with the charge that Mackenzie had engineered the defeat of the Esquimalt-Nanaimo Railway bill in the Senate. Blake’s accession to the cabinet, however, had intensified feelings of distrust among British Columbians. Dufferin feared that in England his words would be taken as justifying the “shabby conduct of Canada”, but remained hopeful that he had helped to create a climate in which Carnarvon would be able to intervene successfully.¹³³

Dufferin immediately set to work on a letter to Mackenzie, once again urging the mediation of the colonial secretary at a conference of Canadian and British Columbian delegates in London. Perhaps compensation of \$1,000,000 might be offered instead of \$750,000, he proposed. Dufferin foresaw personal “shame and humiliation” if “the noble Dominion over which I had been sent to preside on behalf of Her Majesty, had been shorn of a Province under my administration”.¹³⁴ The governor general had evidently not drawn any lesson from the failure of Carnarvon’s previous mediation, nor did he fully appreciate the degree of hostility that existed towards anything that looked like imperial interference. Despite his frequent admonitions to Carnarvon about the careful handling of his ministers and their jealousy about Canadian autonomy, Dufferin was unable to resist the temptation to rush in and save the day.

On the surface, though, it still appeared that the governor general and his ministers were in complete harmony. Dufferin had spoken carefully so as not to betray any suggestion of the growing discord that characterized their relations. If Dufferin had walked the tightrope of non-committal empathy while in British Columbia, he may have come close to tumbling off the moment his train returned to the station. In an impromptu speech to the Mayor and Council of Ottawa, Dufferin made remarks which many journalists and cabinet members present regarded as an effective repudiation of Mackenzie’s policy. Opposition members were jubilant and Dufferin, according a Liberal observer, left the station looking “as if he would like to bite his tongue off”. Dufferin saw an opportunity for damage control when George

Holland of the *Daily Citizen*, the only reporter who had managed to scribble down a verbatim report of the speech, did His Excellency the usual courtesy of seeking approval of the speech before publication. Dufferin accepted a copy for perusal and then asked Holland what system of shorthand he used. Holland produced his original notes, which Dufferin quickly pocketed. He invited Holland to lunch the following day to review the speech. The journalist's pleas for his notes were unavailing, and his subsequent meeting with Dufferin yielded a much milder speech, with all offensive passages carefully expunged. The original was never published.¹³⁵

If this story is true, Dufferin's quick intervention only ensured that the breach with his ministers would be kept covert. He had already made the clash inevitable. Dufferin's pressure on Mackenzie to involve Carnarvon in fresh arbitration prompted the prime minister to become even more insistent that imperial interference would not be welcome. Mackenzie instructed Richard Cartwright, his finance minister, who was on his way to England, to repeat to Carnarvon the same message that Blake had given: there would be neither arbitration nor a more generous settlement. He was also to emphasise that the \$750,000 in compensation was specifically for delays, past and future. The Esquimalt-Nanaimo Railway, Mackenzie pointed out, was itself compensation for delays, and the new offer of compensation was "in lieu, not of the railroad, as a mere local incident, but of the compensation which the railroad construction referred to". Lord Dufferin, he argued, made "one huge mistake" in forgetting that. The Canadian ministry had been wrong to let Dufferin persuade them to "allow ...[Carnarvon] to sit in judgement upon the question. I do not think we can afford to make the same mistake again."¹³⁶ Meanwhile, Dufferin was of the opinion that Mackenzie, presumably during a lengthy private interview upon the governor general's return,¹³⁷ had "half promised that at... [Carnarvon's] instance he would raise the \$750,000 to \$1,000,000".¹³⁸ While Edward Blake had returned from overseas in early September, he was away from Ottawa for a time and Dufferin did not have the opportunity to meet with him until the beginning of November. The collision between governor and council could be delayed no longer.

Dufferin reported to Carnarvon that he spent two hours "battling" Blake on the railway issue and "urged every argument I could think of to induce him to act with good faith towards British Columbia".¹³⁹ He followed up the conversation with

a letter to Blake in which he deprecated the idea that the Carnarvon terms should ever have been deemed subject to a provision that taxes not be increased in their fulfilment.¹⁴⁰ Over the next couple of days, in subsequent meetings with Blake while Mackenzie was away, Dufferin grew increasingly optimistic that he was winning the minister of justice over, convincing him of the need for fair treatment for British Columbia.¹⁴¹ He went so far as to reassure the premier of British Columbia that "I am fighting your battle tooth and nail... and I think I already see daylight".

Recognizing that this covert correspondence might have crossed over the line, Dufferin swore the premier to secrecy, and instructed him to burn the letter.¹⁴²

Unfortunately, just as relations between Dufferin and Blake were improving, British newspaper reports appeared criticising Dufferin for his defence of his government's conduct. Blake was indignant, more so when Dufferin refused to condemn the reports. The real truth, Dufferin ventured, "is Canada has first blundered into a horrid mess, and has ever since been seeking to extricate herself by every kind of shabby and disingenuous plea and manoeuvre".¹⁴³ From here, matters only deteriorated further.

Mackenzie soon learned that, in response to new petitions from British Columbia, Carnarvon proposed delaying his answer until he knew what the Dominion government planned to do. Mackenzie's indignant reaction was that the colonial secretary already knew what he proposed to do: his island railway bill having been defeated in Senate, and offers of compensation refused, he would simply continue with the construction of the transcontinental railway as planned, as fast as the country's resources would permit.¹⁴⁴ Dufferin met with Mackenzie on 16 and 18 November, and the steadily building tensions came to a head. Dufferin accused Mackenzie of working with Blake to draft "disgraceful" orders-in-council, deliberately couched in ambiguous terms, to trap the people of British Columbia. Mackenzie protested that he, not Blake, had been the author of the minutes. He expressed his regret at allowing Carnarvon to press his interference upon his government, and dismissed Dufferin's concerns over his own personal honour. "[W]e were responsible for the acts of the gov[ernment] not him, ... he had nothing to do with it except as a constitutional governor". Dufferin brushed aside Mackenzie's offer to resign and, incredibly, proposed once again that Carnarvon be

used as a mediator. Mackenzie allowed that his government would consider it, but saw no prospect of agreeing to such a measure.¹⁴⁵

Dufferin sent a note the following day asking Mackenzie for a further meeting, admitting that he had not been satisfied with the earlier one. The prime minister and Blake accordingly met with Dufferin for two and a half hours. Unfortunately, this meeting was even stormier than the earlier one, and Dufferin admitted to the colonial secretary that he and Mackenzie “nearly came to blows”.¹⁴⁶ Among the issues discussed were Blake’s objections to Dufferin’s plan to send his own independent assessment of the British Columbia situation to the Colonial Office, an action he saw as inappropriate for a constitutional governor. The conversation soon reverted to the specific criticisms Dufferin had of his government’s conduct.¹⁴⁷ He accused them of deceit in the wording of their minutes of council and of not trying to carry the Esquimalt-Nanaimo railway bill in the Senate. After “revert[ing] over and over again to the same topics” with Blake, Dufferin turned to Mackenzie and, in a “very excited tone”, demanded the prime minister’s immediate answer as to what was meant in his minute of council about the island railway when he referred to “compensation for delays”. Mackenzie declined to provide an immediate verbal answer and promised a written response instead. Mackenzie recorded that Dufferin then seemed to grow more calm, and admitted he was right. This seemed a good opportunity to remind the governor general of Canada’s self-governing status. Indeed, the country was not even “a Colony at all in the ordinary acceptance of the term”, Mackenzie insisted, and was capable of managing its own affairs. Dufferin agreed. But just as a crisis seemed to be averted, Dufferin asked Mackenzie if his government took the position that the construction of the island railway, or the money payment, was a general compensation. The prime minister acknowledged that it was. At that point the governor general jumped to his feet and violently pronounced any further discussion to be useless. He felt ashamed, he said, presumably for having defended the government’s position to British Columbia.¹⁴⁸ Dufferin admitted to Carnarvon that he had lost his temper and used very harsh language during the interview. “Mackenzie’s aspect was simply pitiable, and Blake was upon the point of crying, as he very readily does when he is excited.”¹⁴⁹ Mackenzie’s account of the meeting notes that at this juncture, as he and Blake

moved to leave the room, Dufferin stopped them, saying, "Don't let us quarrell [sic] about it! Sit down again and let us discuss it quietly and don't mind what has happened." Little more was resolved, although Mackenzie noted that, at the end of the meeting, Dufferin apologized that he had been "too hasty but meant no ill". The prime minister assured him that "it is all between ourselves".¹⁵⁰

Dufferin wrote a letter to Mackenzie the following day regretting if he caused irritation or annoyance by pressing his views, although he had no wish to qualify them. The reason he "so harped" on the need for intervention by the Colonial Office was the genuine mistrust British Columbia felt toward the Dominion government. "If you had any other proposal to suggest", he continued, "I should not be so uneasy, but you have not". Mackenzie's assertion that Canada was not a crown colony was true, "but neither are you a Republic". "[W]ithin the walls of the Privy Council I have as much right to contend for my opinion as any of my Ministers". They must not expect, he insisted, him to accept their advice merely because they give it, "but they must approve it to my understanding and conscience".¹⁵¹ Mackenzie's response was cordial, expressing his hope that some ground on which they could agree would yet be found.¹⁵² Carnarvon, for his part, continued to be supportive of Dufferin, and urged him to avoid making his own position "personally disagreeable", since rumours were circulating that the Conservatives would soon be returned to office. "I am satisfied that if we can adjourn the conflict—say for another year or eighteen months—we shall be, as you truly say, in a far better position to fight it."¹⁵³ Carnarvon responded to the British Columbia petitioners by declaring that he was unable to pronounce an opinion either on the Island railway or the delays on the main line, past and future.¹⁵⁴

Dufferin delivered a speech a short time later to the National Club, and it is tempting to see in it a wistful recognition of the limited scope of his duties and an ill-concealed hostility toward the Liberal administration. His viceregal functions were restricted, he explained, "to those rather of a negative than of a positive character" and "probably consist rather in preventing mischief than in accomplishing any good". The head of state in a constitutional regime, he remarked, had a great, but latent, power, which "is never suffered to become active". He likened himself to the "humble functionary" who oversees the workings of a complicated machine.

This personage merely walks about with a little tin vessel of oil in his hand—and he pours in a drop here and a drop there, as occasion or the creaking of a joint may require, while his utmost vigilance is directed to no higher aim than the preservation of his wheels and cogs from the intrusion of dust, grits, or other foreign bodies.

Over the laughter of his audience, Dufferin ingenuously—and unconvincingly—protested that the term “grits”, a nickname for the Liberals, was here “entirely innocent of all political significance”.¹⁵⁵ While he had managed for the most part to keep his actions just within the utmost limits of a constitutional governor’s sphere, Dufferin’s personal feelings occasionally erupted in such lapses as these.

Fortunately most of these lapses were private, and he kept up the outward appearance of a correct constitutional head of state, often in opposition to his true feelings. The shattering of his usually diplomatic demeanour in meetings with his cabinet, his covert correspondence with the premier of British Columbia, and some of his more questionable actions during the time of the Pacific Scandal—most notably his proposal to hide in a closet in the House of Commons—were all examples of what a psychologist might call “leakage”. These incidents betrayed Dufferin’s discomfort with the limits of his role, and sense of personal responsibility for the Dominion’s welfare.

Carnarvon and Dufferin were forced to abandon any crusade for fair treatment for British Columbia. The province was given to understand that it could no longer expect the imperial government to champion its cause. Mackenzie was, by Dufferin’s report, “delighted” with Carnarvon’s despatch,¹⁵⁶ and later assured Dufferin that if the main line had not been commenced in eighteen months he would agree to arbitration in London.¹⁵⁷ Dufferin suspected that Mackenzie’s railway plans would yet be thwarted by Cartwright and Blake, but believed that the eighteen month agreement gave them some breathing room and ensured that Canada would have no excuses when the matter ultimately came before Carnarvon for arbitration—a measure he still saw as inevitable.¹⁵⁸ It is probable, though, that in Mackenzie’s mind the agreement was little more than a sop to quiet the persistent governor general. The ultimate resolution of the railway conflict was almost certainly aided by the fact that all of these actors would disappear from the scene: Carnarvon resigned in January 1878; in October the Liberal government gave way to a new

Conservative one, with Macdonald again at the helm; days later Dufferin returned to Britain.

Blake's more modest view of the scope of the governor general's role prevailed also when the Colonial Office drafted permanent instructions to be issued to Dufferin's successors. When Blake prepared to meet with Carnarvon in the summer of 1876, Dufferin warned the colonial secretary that the minister of justice was not "a man who will be content to arrive at an understanding on a mere practical basis".¹⁵⁹ Carnarvon had responded to Blake's earlier memorandum on the constitutional powers of the governor general at the beginning of June. He rejected Blake's claim that the terms "governor general" and "governor general in council" were used interchangeably in the British North America Act. The distinction, he insisted, was carefully drawn, "and this distinction is closely observed throughout the Act". If the term governor general in council had been meant with respect to the disallowance of provincial acts "that expression would have been used...". Granting the power of disallowance to the governor general in council—that is, the Dominion government—would be tantamount to a repeal of the British North America Act "which gives the exclusive right of legislation in certain matters to the Provincial Legislatures".¹⁶⁰ Blake did not concur. He composed another lengthy memorandum to Carnarvon on the constitutional limits of the viceregal role. He began by reminding him that Canada was not a small, young colony, but a Dominion encompassing several provinces, with traditions of responsible government. The commission and instructions to the governor general contained numerous anomalies and did not truly reflect current constitutional usages and Canada's status. He referred again to the fact that certain powers in the British North America Act were conferred on the governor and others in the governor in council, but Blake took the former to be an oversight and assumed that in each instance the governor in council was implied.

With reference to the prerogative of pardon, Blake challenged the view expressed in some earlier correspondence that the governor might act on his own judgement. He allowed that there might be some instances in which imperial interests were affected, but maintained that it was not possible to formulate a rule for these cases, but would be best to leave problems to be adjusted by mutual agreement

when they arose. This was, in essence, a reversal of the existing procedure where powers were granted with the understanding that they be seldom used. Blake suggested that the personal prerogative should not be expressly granted as it was in the current instructions but that there should be an understanding that if necessary the governor might exert some influence. In any event, Blake objected to the power of pardon being treated differently than any of the other matters in which Canada enjoyed self-government.

The granting of any powers to the governor general with respect to marriage licenses, letters of administration, probates of wills, and for the mentally impaired, was also obsolete, Blake argued, since these were now matters under provincial jurisdiction. Blake had no difficulty with the clause in the instructions that delegated the constitutional powers of the Queen to the governor general—nor should he have had any, since constitutional conventions had limited the Queen's sphere of action much more than they had the governor's. He did, however, object to the wording of this clause, which he thought did not make it sufficiently clear that the governor was compelled to act through his ministers, "not merely ...a particular set of Ministers, but...any Ministers". Blake allowed that there were instances in which full freedom of action was not vested in the Canadian people and imperial interests might be affected, but believed that it was impossible to formulate any precise limitation. "The effort to reconcile by any form of words the responsibility of Ministers under the Canadian constitution with a power to the Governor to take even a negative line independently of advice cannot, I think, succeed". Here again, Blake maintained that recourse be taken to "mutual good feeling" and proper consideration of imperial interests by the Canadian ministers. Blake further pointed out that, contrary to the instructions, it was not normally the practice of the governor to preside over meetings of the privy council, but that this might be done only on rare, formal occasions. The clause in the instructions requiring the governor general to reserve certain types of bills—namely, those dealing with divorce, those granting land or money to the governor, those dealing with paper currency, those imposing differential duties, and those inconsistent with British treaty obligations—was also obsolete, Blake suggested. The reserve power of disallowance was sufficient to deal

with such cases, Blake believed, and in practice bills dealing with such subjects had not been consistently disallowed in the past.¹⁶¹

In essence, then, Dufferin was only partially right. Blake was not content to have matters rest on an assumed understanding when the written documents might limit Canada's constitutional freedom of action. But he was willing to rely upon convention and mutual good will if the situation was reversed. His experience with Dufferin no doubt made the minister of justice more comfortable with a more tightly defined sphere of action for the governor general.

Blake responded to Carnarvon's arguments about the distinction between the governor general and the governor general in council with another memorandum in September 1876. He rejected Carnarvon's claim that granting the power to disallow provincial legislation to the governor general in council undercut the division of powers inherent in the British North America Act. Dominion ministers, Blake reminded him, themselves represented individual provinces. Any abuse of power by these elected representatives would have swift constitutional remedies. If the governor general were to act unaided by the advice of his ministers, power over provincial legislation would in effect be transferred to the control of the Colonial Office or the law officers of the Crown, Blake maintained, "which cannot possibly have been intended by the framers of the clause".¹⁶²

Carnarvon acknowledged Blake's views but admitted "I should feel much difficulty in modifying the opinion which I expressed in my despatch of the 1st June". He still maintained that there was an intentional difference between the phrases governor general and governor general in council as they appeared in the British North America Act. What is more, "high authorities in this country" supported his interpretation. Nevertheless, Blake's tenacity was apparently beginning to tell, and the colonial secretary conceded that he was "not...prepared to insist strongly". Carnarvon made a final attempt to challenge Blake's assertion as to the impossibility of the governor general acting without the advice of constitutional advisers. If, after fully hearing his ministers' advice, the governor general chose to act differently, "he would be acting *under* the advice of his Ministers, notwithstanding that he might not feel himself able to act *according* to that advice",

Carnarvon argued. "I think this view of the position deserves consideration", he wrote,

though I should not wish to be understood as now laying down any definite rule on a subject with respect to which you are aware that I incline to think it more in accordance with the true spirit of the constitution, that no unyielding rule should be maintained.¹⁶³

Blake responded to this with the observation that "it can hardly be assumed that the Governor is aided by his Ministers' advice in coming to a conclusion adverse to that advice; it seems ...that, in the case put, the Governor is acting rather *against* than *under* the advice of his Ministers". He reiterated his main contention that "under the letter and the spirit of the Constitution, Ministers must be responsible for the Governor's action". This communication was composed mere days after Blake and Mackenzie's very heated meeting with Dufferin, and it is probable that Blake's frustration with the governor general's intrusiveness lent him greater resolve. He was unable, he said, to alter his conclusions, but recognised that the colonial secretary did not wish to prolong their correspondence on that subject. In any event, he hoped that the discussion "decreased the probability of future difficulty on a question of very grave importance".¹⁶⁴ Blake no doubt picked up on the tone of fatigue that characterised Carnarvon's communications on the subject. While the minister of justice tackled the subject of the governor general's role with obvious energy and conviction, the colonial secretary's brief replies tended to be reactive and unconvincing. He seemed to recognise that he had already lost a battle for which he had no heart.¹⁶⁵

Constitutional authorities have generally given much credit to Blake for the ultimate redrafting of the governor general's commission and instructions. D.M.L. Farr described Blake's memorandum of April 1876 as "perhaps the ablest paper in the whole treatment of the disallowance topic". Alpheus Todd, a prominent nineteenth-century observer, clearly admired Blake's contribution to Canada's constitutional evolution, and considered his interpretations of imperial conventions to be sounder than those of the colonial secretary.¹⁶⁶ Arthur Berriedale Keith asserted that Blake was

the first to express with perfect clarity the conception of Canada as an autonomous Dominion with rights only limited in a very few cases where its

character as a dependency, not a state of international law, gave the Imperial Government the right of intervention.

He drew, Keith contended, a perfectly clear distinction between the function of the governor as head of a local government and as an imperial officer.¹⁶⁷ A brief survey of the changes incorporated into the new instruments confirms the view that Blake's interpretations prevailed in almost every instance.

In accordance with Blake's view, the new version of the Letters Patent contained no reference to the governor's prerogative of pardon, and the reference to it in the Instructions had changed considerably. Instead, the Instructions specified that the governor general

shall not pardon or reprieve any such offender without first receiving in capital cases the advice of the Privy Council for Our said Dominion, and in other cases the advice of one at least of his Ministers; and in any case in which such pardon or reprieve might directly affect the interests of Our Empire, or of any country or place beyond the jurisdiction of the Government of Our said Dominion, Our said Governor-General shall before deciding as to either pardon or reprieve, take those interests specially into his own personal consideration in conjunction with such advice as aforesaid.¹⁶⁸

The new Commission also omitted any reference to the obsolete powers that now came under provincial jurisdiction. Likewise, the most significant change in the Instructions was the deletion of previously included clauses. The new Instructions no longer implied that the governor general would personally preside over meetings of the Privy Council. Further, there was no longer a list of bills to which the governor was compelled to withhold assent.¹⁶⁹ The omission of these few clauses, and the slight rewording of others, signified a real change in the written description of the governor general's role.¹⁷⁰ Blake had succeeded in bringing the instruments more into line with current practices under responsible government.

That he should have felt the need to do so may well have stemmed from his contentious relationship with the governor general under whom he served. It was evident that Dufferin took a high profile approach to the office, and Mackenzie's warning that "there is no safety without laying down the line over which he must not pass"¹⁷¹ set the tone for a protracted struggle. The acrimony that lingered over Dufferin's apparent preference for the Conservative party was enough to cause a strain. Added to this, the threat of secession by British Columbia ensured an uneasy

atmosphere. Even more, however, the clash of personalities between Dufferin and Blake caused difficulty. The strained relationship between the governor general and his constitutional advisers drew the viceregal office into focus, and almost certainly contributed to Blake's quest for a sharper definition of the role. While Carnarvon would have been content to trust to convention, relying upon written documents that were obsolete, Blake's agitation for a clear statement of the "well settled rules"¹⁷² won out. The new permanent Letters Patent and Instructions, which would be issued to Dufferin's successors, did not of course clear up all confusion surrounding the governor general's function. There was still considerable scope for interpretation, and the amount of influence an incumbent could exercise would still depend greatly on his own character. Nevertheless, the new instruments put an end to numerous anomalies and represented a step forward in Canadian constitutional evolution.

¹ Prior to this, new letters patent and instructions were issued for each incumbent. See Arthur Berriedale Keith, *Responsible Government*, I, 80-1.

² Ben Forster and Jonathan Swainger, "Edward Blake", *Dictionary of Canadian Biography*, Vol. XIV (Toronto: University of Toronto Press, 1998), 74-85; Joseph Schull, *Edward Blake*.

³ J. D. Livermore, "The Personal Agonies of Edward Blake" *Canadian Historical Review* 56 (March 1975), 45.

⁴ DCC, Dufferin to Carnarvon, private, 10 October 1874, 80-81.

⁵ James Young, *Public Men and Public Life*, II, 385. Even Lady Dufferin was "cut" on one regrettable occasion. Joseph Schull, *Edward Blake*, 216.

⁶ George W. Ross, *Getting into Parliament & After*, 142-44, 135.

⁷ J.D. Livermore, "Edward Blake", 46.

⁸ *Ibid.*, 47-8.

⁹ *Ibid.*, 53.

¹⁰ DCC, Dufferin to Carnarvon, private, 10 October 1874, 80-1.

¹¹ DCC, Dufferin to Carnarvon, private, 23 April 1874, 28.

¹² Edward Blake, "Aurora Speech, 1874", W.S. Wallace, ed. *Canadian Historical Review* 2 (September 1921), 256.

¹³ *The Times*, 4 April 1872.

¹⁴ *Speeches of the Earl of Dufferin*, 25.

¹⁵ D.M.L. Farr, "Lord Dufferin: A Viceroy in Ottawa" *Culture* 19 (1958), 153-64.

¹⁶ DCC, Dufferin to Carnarvon, private, 18 March 1874, 14. Dufferin's choice of costume at a gala fancy dress ball held at Government House in February 1876 might offer insight into his character. He was the picture of regal splendor as James V of Scotland. Sandra Gwyn, *The Private Capital*, 150.

¹⁷ DCC, Dufferin to Carnarvon, private 18 March 1874, 12.

¹⁸ Dale Thomson, *Alexander Mackenzie*, 173.

¹⁹ Bengough, J.W. *A Caricature History of Canadian Politics*, I, 187.

²⁰ SP, 1877, No 68, See Report of a Committee of ... the Privy Council, 23 December 1873, and Kimberley to Dufferin, despatch 404, 18 February 1874.

²¹ DCC, Dufferin to Carnarvon, private, 18 March 1874, 13.

²² *Ibid.*, Dufferin to Carnarvon, private, 16 April 1874, 25.

²³ Lady Dufferin, *Journal*, 15 December 1873, 134. Garth Stevenson has implied that Mackenzie's relative weakness as a statesman, in contrast to Macdonald, "the acknowledged master of the country" set the tone for a more active role for Dufferin. Stevenson notes that Dufferin "had a considerable aptitude for political leadership" and speculates that, had he been born in Canada "he would have wanted to be prime minister". Garth Stevenson, *Ex Uno Plures*, 259-60; 269-70.

- ²⁴ Mackenzie to George Brown, 21 July 1873 as quoted in Dale Thomson, *Alexander Mackenzie*, 156.
- ²⁵ Mackenzie to George Brown, 5 November 1873, as quoted in Dale Thomson, *Ibid.*, 168.
- ²⁶ Margaret Ormsby, "Prime Minister Mackenzie, The Liberal Party, and the Bargain with British Columbia" *Canadian Historical Review* 26 (June 1945), 148-151.
- ²⁷ DCC, Carnarvon to Dufferin, 23 February 1874, 1.
- ²⁸ *Ibid.*, Dufferin to Carnarvon, private, 19 November 1874, 108.
- ²⁹ "Herbert, Henry Howard Molyneux", *Dictionary of National Biography*, Vol. IX (Oxford: Oxford University Press, 1917), 646-652; Arthur Hardinge, *The Life of Henry Howard Molyneux Herbert, Fourth Earl of Carnarvon, 1831-1890* (Oxford: Oxford University Press, 1925). See also DCC, xx-xxiv.
- ³⁰ DCC, Dufferin to Carnarvon, private, 12 March 1874, 6.
- ³¹ *Ibid.*, Dufferin to Carnarvon, private, 8 May 1874, 42.
- ³² *Ibid.*, Carnarvon to Dufferin, private, 17 June 1874, 47-8.
- ³³ *Ibid.*, Carnarvon to Dufferin, private, 25 June 1874, 49.
- ³⁴ *Ibid.*, Dufferin to Carnarvon, private, 9 July 1874, 51.
- ³⁵ *Ibid.*, 51-4.
- ³⁶ *Ibid.*, Dufferin to Carnarvon, private 17 July 1874, 55.
- ³⁷ *Ibid.*, Dufferin to Carnarvon, private, 23 July 1874, 57. The committee of the Canadian cabinet which made the request formally to Carnarvon put it in these terms: "the committee advise that Lord Carnarvon be informed that they would gladly submit the question to him for his decision as to whether the exertions of the Government, the diligence shown, and the offers made, have or have not been fair and just and in accordance with the spirit of the agreement". SP, 1875, No. 19, W.A. Hamsworth, Clerk, Privy Council to Lord Carnarvon, 9 July 1874.
- ³⁸ DCC, Dufferin to Carnarvon, private, 17 July 1874, 55.
- ³⁹ *Ibid.*, Carnarvon to Dufferin, private, 30 July 1874, 60.
- ⁴⁰ DCC, Carnarvon to Dufferin, private, 12 August 1874, 60. The despatch of 16 August 1874 is in SP 1875, No. 19 and printed in William Leggo, *Administration of Dufferin*, 348-351.
- ⁴¹ *Ibid.*, Dufferin to Carnarvon, private, 23 August 1874, 64-5.
- ⁴² *Ibid.*, Dufferin to Carnarvon, private, 11 September 1874, 70.
- ⁴³ Carnarvon's initial proposal would have abandoned any plan for either a wagon road or telegraph line. Dominion ministers insisted upon this point. See Minute of Council 17 September 1874 printed in William Leggo, *Administration of Dufferin*, 352-357.
- ⁴⁴ Carnarvon to Dufferin, despatch, 17 November 1874 in William Leggo, *Ibid.*, 368-370.
- ⁴⁵ DCC, Dufferin to Carnarvon, private, 17 September 1874, 71.
- ⁴⁶ Edward Blake, "Aurora" Speech, 252-3.
- ⁴⁷ DCC, Dufferin to Carnarvon, private, 10 October 1874, 81.
- ⁴⁸ *Ibid.*, Carnarvon to Dufferin, private and confidential, 29 October 1874, 94.
- ⁴⁹ *Ibid.*, Dufferin to Carnarvon, private, 8 December 1874, 115.
- ⁵⁰ *Ibid.*, Dufferin to Carnarvon, private, 21 December 1874, 126.
- ⁵¹ As quoted in J.A. Maxwell, "Lord Dufferin", 371.
- ⁵² J. A. Maxwell, "Lord Dufferin", 372-4.
- ⁵³ DCC, Dufferin to Carnarvon, private, 16 April 1875, 145 and 6 April 1876, 210.
- ⁵⁴ J. A. Maxwell, "Lord Dufferin and the Difficulties with British Columbia, 1874-7", *Canadian Historical Review* 12 (December 1931), 374-6. See also Dale Thomson, *Alexander Mackenzie*, 233-6.
- ⁵⁵ SP 1875, No. 11, 2.
- ⁵⁶ *Ibid.*, Young to Bishop Taché, 16 February 1870.
- ⁵⁷ DCC, Dufferin to Carnarvon, private, 12 October 1874, 85.
- ⁵⁸ DCC, Dufferin to Carnarvon, private, 24 April 1874, 33 and 17 September 1874, 73.
- ⁵⁹ *Ibid.*, Dufferin to Carnarvon, private, 12 October 1874, 91.
- ⁶⁰ *Ibid.*, Dufferin to Carnarvon, private, 6 November 1874, 96-7.
- ⁶¹ *Ibid.*, Dufferin to Carnarvon, private, 12 November 1874, 99.
- ⁶² *Ibid.*, Dufferin to Carnarvon, telegram, 12 November 1874, 99-100.
- ⁶³ *Ibid.*, Carnarvon to Dufferin, confidential, 12 November 1874, 102.
- ⁶⁴ *Ibid.*, Carnarvon to Dufferin, private and confidential, 18 November 1874, 104-6.
- ⁶⁵ *Ibid.*, Dufferin to Carnarvon, private, 18 November 1874, 106-7.
- ⁶⁶ *Ibid.*, Dufferin to Carnarvon, private, 8 December 1874, 117.
- ⁶⁷ SP 1875, No 11, Carnarvon to Dufferin, despatch, 7 January 1875.

⁶⁸ *Ibid.*, H.C. Fletcher to the Minister of Justice, 15 January 1875.

⁶⁹ J.W. Bengough, *A Caricature History of Canadian Politics*, I, 251; For treatment of Dufferin and the Lepine case, see William Leggo, *Administration of Dufferin*, 299-326. This contains much of the official correspondence connected with the Lepine case. See also Alfred Lyall, *Life of Dufferin*, 217-220; and Dale Thomson, *Alexander Mackenzie*, 220-23. Arthur Berriedale Keith cites this occasion as one on which the prerogative of mercy was used by the governor "acting on his own responsibility", even though he did consult his ministers. Keith does not acknowledge that this approach was deliberately taken for political reasons. Arthur Berriedale Keith, *Responsible Government*, II, 1112.

⁷⁰ The issue was discussed in the British House of Lords, and Dufferin's conduct questioned. Lord Lisgar, Carnarvon, and Kimberley spoke up in his defence. See William Leggo, *Administration of Dufferin*, 322-326.

⁷¹ DCC, Dufferin to Carnarvon, private, 8 March 1875, 133-4. On the subject of Catholic education rights and the issue of federal-provincial jurisdiction, see Peter M. Toner, "New Brunswick Schools and the Rise of Provincial Rights", *Federalism in Canada and Australia: The Early Years*, Bruce W. Hodgins, Don Wright, W.H. Heick, eds. (Waterloo: Wilfrid Laurier University Press, 1978), 125-35.

⁷² SP 1876, No. 116. Kimberley's instructions referred to the possible disallowance of the New Brunswick School Act. See W.H. Heick, "Alexander Mackenzie and Canadian Federalism" *Federalism in Canada and Australia*, 163.

⁷³ DCC, Dufferin to Carnarvon, private, 10 March 1875, 135.

⁷⁴ *Ibid.*, Dufferin to Carnarvon, private, 23 April 1874, 26.

⁷⁵ DCC, Dufferin to Carnarvon, private, 10 March 1875, 135.

⁷⁶ *Ibid.*, Dufferin to Carnarvon, private 8 March 1875, 132, and 2 April 1875, 142.

⁷⁷ *Ibid.*, Dufferin to Carnarvon, private, 9 April 1875, 144.

⁷⁸ *Ibid.*, Confidential Memorandum by Dufferin, enclosed in Dufferin to Carnarvon, 24 July 1875, 153.

⁷⁹ *Ibid.*, Carnarvon to Dufferin, private, 18 February 1876, 192.

⁸⁰ "Draft of Instructions... to the Right Honourable the Earl of Dufferin" SP 1875, No 29. Very similar wording was used in the Instructions issued to previous governors general. See, for example, "Instructions to ... Sir Edmund Walker Head", *Journal of the Legislative Assembly*, vol. XIII, Part II, 1854-1855, 791, or "Draft of Instructions...to Viscount Monck, Governor General of Canada" SP 1862, No. 29. Monck was issued new Instructions after Confederation. See SP 1867-68, No. 22.

⁸¹ SP 1876, No. 116, Enclosure No. 1 in Sir Hercules Robinson to Carnarvon, 29 June 1874, 4.

⁸² SP 1876, No. 116, Enclosure No. 3 in *Ibid.*, 5-6.

⁸³ SP 1876, No. 116, Enclosure No. 4. in *Ibid.*, 6-7.

⁸⁴ SP 1876, No. 116, Enclosure No. 5. in *Ibid.*, 7-9.

⁸⁵ SP 1876, No. 116, Enclosure No. 6. in *Ibid.*, 10. See also Arthur Berriedale Keith, *Responsible Government*, II, 1110-1113.

⁸⁶ Jonathan Swainger considers the prerogative of mercy in the decade following Confederation, and finds some variance in how it was applied under various Ministers of Justice. He apparently assigns no influence whatsoever to the governor general during this period. See Jonathan Swainger, *The Canadian Department of Justice and the Completion of Confederation, 1867-78* (Vancouver: UBC Press, 2000), 56-78.

⁸⁷ Frances Monck, *My Canadian Leaves*, 26 November 1864, 94.

⁸⁸ DCC, Dufferin to Mackenzie, private, 30 July 1875, 156-7.

⁸⁹ *Ibid.*, Carnarvon to Dufferin, 6 August 1875, 157.

⁹⁰ *Ibid.*, Carnarvon to Dufferin, 26 September 1875, 157.

⁹¹ Joseph Schull, *Edward Blake*, 170.

⁹² SP 1876, No. 116, Carnarvon to Dufferin, despatch, secret, 5 November 1875, 83-4.

⁹³ SP 1876, No. 116, Report of a Committee of ...the Privy Council, "Department of Justice", 22 December 1875, 79-83.

⁹⁴ DCC, Carnarvon to Dufferin, private, 4 November 1875, 161.

⁹⁵ DCC, Dufferin to Carnarvon, private, 19 November 1875, 166.

⁹⁶ Frank MacKinnon, "The Establishment of the Supreme Court of Canada" *Canadian Historical Review* 27 (September 1946), 260. Jonathan Swainger convincingly argues that the establishment of a Supreme Court, the creation of the North West Mounted Police, the centralizing of a national system of penitentiaries, and the redrafting of the governor general's instructions were all part of the

"completion of Confederation" over this period. See Jonathan Swainger, *The Canadian Department of Justice and the Completion of Confederation*, 4.

⁹⁷ As quoted in Frank MacKinnon, *Ibid.*, 262.

⁹⁸ Donald Creighton, *John A. Macdonald*, II, 195-6.

⁹⁹ DCC, Dufferin to Carnarvon, private, 9 April 1875, 143.

¹⁰⁰ *Ibid.*, Dufferin to Carnarvon, private, 3 November 1875, 160.

¹⁰¹ Frank Underhill, "Edward Blake, the Supreme Court Act and the Appeal to the Privy Council 1875-6" *Canadian Historical Review* 19 (September 1938), 252.

¹⁰² As quoted in D.M.L. Farr, *The Colonial Office and Canada*, 144.

¹⁰³ "Edward Blake's Interview with Lord Cairns on the Supreme Court Act, July 5, 1876" *Canadian Historical Review* 19 (September 1938), Blake to Mackenzie, 5 July 1876, 294. Mackenzie shared this letter with Dufferin, who sent a copy to Carnarvon with the request that he burn it after showing it to Under-secretary Herbert. See Dufferin to Carnarvon, 27 July 1876 and 31 July 1876, DCC, 251-256. See also Jonathan Swainger, *The Canadian Department of Justice and the Completion of Confederation*, 120. David B. Swinfen provides a historical overview of the question of appeals to the Judicial Committee of the Privy Council. He notes that the supposed distinction between "statutory" and "prerogative" appeals, which underlay Clause 47, did not in fact exist. Interestingly, Swinfen also cites Edward Blake's comments in 1900 on the utility of the J.C.P.C.. At this time, Blake was serving in the British House of Commons, and, while Australia's federal constitution was under discussion, remarked on the "great advantage" of having recourse to "an external tribunal" when "bitter controversies" and "political passions" had been excited. David B. Swinfen, *Imperial Appeal: The debate on the appeal to the Privy Council, 1833-1986* (Manchester: Manchester University Press, 1987), 39-40, 49.

¹⁰⁴ DCC, Dufferin to Carnarvon, private, 2 February 1876, 187. Mackenzie displayed some irritation himself with the imperial government. When further imperial mediation in the railway controversy was proposed, his response to George Brown was that "we will simply go on the even tenor of our way... and let them whistle". Mackenzie in Dale Thomson, *Alexander Mackenzie*, 257.

¹⁰⁵ DCC, Dufferin to Carnarvon, private, 5 April 1876, 207-8.

¹⁰⁶ J. A. Maxwell, "Lord Dufferin", 376-9.

¹⁰⁷ DCC, Dufferin to Carnarvon, private, 9 February 1876, 187-9.

¹⁰⁸ *Ibid.*, Dufferin to Carnarvon, private, 10 March 1876, 197 and 16 March 1876, 200.

¹⁰⁹ *Ibid.*, Dufferin to Carnarvon, private, 31 March 1876, 205.

¹¹⁰ *Ibid.*, Carnarvon to Dufferin, private and personal, 4 April 1876, 207.

¹¹¹ *Ibid.*, Dufferin to Carnarvon, private, 6 April 1876, 211, 213.

¹¹² *Ibid.*, 215.

¹¹³ *Ibid.*, Dufferin to Carnarvon, private, 26 May 1876, 232.

¹¹⁴ *Ibid.*, Dufferin to Carnarvon, private, 4 May 1876, 221-23. See also Dale Thomson, *Alexander Mackenzie*, 265.

¹¹⁵ DCC, Dufferin to Carnarvon, private, 1 June 1876, 236-7, 234.

¹¹⁶ Frederick Molyneux St John, *The Sea of Mountains; an account of Lord Dufferin's Tour through British Columbia in 1876*. 2 vols, (London: Hurst and Blackett, 1877).

¹¹⁷ Lady Dufferin, *Journal*, 16 August 1876, 274-5.

¹¹⁸ Frederick Molyneux St John, *The Sea of Mountains*, I, 148-150.

¹¹⁹ Charles E. Drummond Black, *Marquess of Dufferin*, 123.

¹²⁰ *Mainland Guardian* as quoted by Frederick Molyneux St John, *The Sea of Mountains*, I, 188. See also Harold Sands, "Lord Dufferin in British Columbia" *Canadian Magazine* 21 (September 1903), 461.

¹²¹ As quoted by Frederick Molyneux St John, *The Sea of Mountains*, I, 194-7.

¹²² *Standard* as quoted by Frederick Molyneux St John, *Ibid.*, I, 200-201.

¹²³ DCC, Dufferin to Carnarvon, 6 September 1876, 258.

¹²⁴ Lady Dufferin, *Journal*, 15 September 1876, 307.

¹²⁵ As quoted by Dale Thomson, *Alexander Mackenzie*, 280.

¹²⁶ Lady Dufferin, *Journal*, 14 and 15 September 1876, 306-7.

¹²⁷ DCC, Dufferin to Carnarvon, private, 8 October 1876, 277. See also Dale Thomson, *Alexander Mackenzie*, 280-1.

¹²⁸ Frederick Molyneux St John, *The Sea of Mountains*, II, 160.

¹²⁹ As quoted in Frederick Molyneux St John, *The Sea of Mountains*, II, 160-229.

¹³⁰ For Dufferin's discussion of the challenges of preparing his speech during the tour, see DCC, Dufferin to Carnarvon, private, 8 October 1876, 277, 281. See also Garth Stevenson, *Ex Uno Plures*, 163-4.

¹³¹ Dale Thomson notes that Mackenzie's optimism in light of Dufferin's speech evaporated when he realized that the speech "bore little relationship to Dufferin's real views". Dale Thomson, *Alexander Mackenzie*, 284.

¹³² DCC, Dufferin to Carnarvon, private, 14 September 1876, 260.

¹³³ *Ibid.*, Dufferin to Carnarvon, private, 8 October 1876, 261-282.

¹³⁴ *Ibid.*, Dufferin to Mackenzie, 9 September 1876 [sic; should be 9 October 1876], 289.

¹³⁵ W.T.R. Preston, *My Generation of Politics and Politicians*, 99-100.

¹³⁶ DCC, Appendix 3, Mackenzie to Cartwright, 20 October 1876, 403-404.

¹³⁷ DCC, Dufferin to Carnarvon, private 9 October 1876, 282.

¹³⁸ *Ibid.*, Dufferin to Carnarvon, private, 26 October 1876, 292.

¹³⁹ *Ibid.*, Dufferin to Carnarvon, private, 2 November 1876, 294.

¹⁴⁰ *Ibid.*, Dufferin to Blake, private and confidential, 2 November 1876, 300-302.

¹⁴¹ *Ibid.*, Dufferin to Carnarvon, private, 4 November 1876, 302-306.

¹⁴² Dale Thomson, *Alexander Mackenzie*, 286.

¹⁴³ DCC, Dufferin to Carnarvon, private, 6 November 1876, 306-307.

¹⁴⁴ *Ibid.*, Appendix 3, Mackenzie, "Memorandum of Conversation with Lord Dufferin on British Columbia Affairs on November 16th and 18th, respectively", 406.

¹⁴⁵ *Ibid.*, Mackenzie Memorandum, 406-8.

¹⁴⁶ DCC, Dufferin to Carnarvon, private, 20 November 1876, 309.

¹⁴⁷ Margaret Ormsby, "Mackenzie and British Columbia", 170 and J. A. Maxwell, "Lord Dufferin", 386-7.

¹⁴⁸ DCC, Mackenzie Memorandum, 410.

¹⁴⁹ *Ibid.*, Dufferin to Carnarvon, private, 23 November 1876, 310.

¹⁵⁰ Dale Thomson, *Alexander Mackenzie*, 286-9.

¹⁵¹ DCC, Dufferin to Mackenzie, private and confidential, 19 November 1876, 315-319.

¹⁵² *Ibid.*, Mackenzie to Dufferin, confidential, 25 November 1876, 319-20.

¹⁵³ *Ibid.*, Carnarvon to Dufferin, private, 13 December 1876, 322-23.

¹⁵⁴ Margaret Ormsby, "Mackenzie and British Columbia", 171.

¹⁵⁵ Speech of Dufferin to the National Club, 12 January 1877, as quoted in William Leggo, *Administration of Dufferin*, 487.

¹⁵⁶ DCC, Dufferin to Carnarvon, private, 19 January 1877, 330.

¹⁵⁷ *Ibid.*, Dufferin to Carnarvon, private, 8 March 1877, 336-7.

¹⁵⁸ *Ibid.*, Dufferin to Carnarvon, private, 22 March 1877, 340-1.

¹⁵⁹ DCC, Dufferin to Carnarvon, private, 1 June 1876, 239.

¹⁶⁰ SP 1877, No. 89, Carnarvon to Dufferin, despatch 145, 1 June 1876.

¹⁶¹ SP 1877, No 13, Blake to Carnarvon, received about 1 July 1876. A copy of the previous instruments may be seen in SP 1875, no. 29.

¹⁶² SP 1877, No 89, Blake to Carnarvon, 6 September 1876.

¹⁶³ *Ibid.*, Carnarvon to Dufferin, despatch 318, 31 October 1876.

¹⁶⁴ *Ibid.*, Report of a Committee of the Honorable the Privy Council...21 November 1876.

¹⁶⁵ Details of correspondence ironing out the details of the new instructions can be found in Alpheus Todd, *Parliamentary Government in the British Colonies*, 113-4.

¹⁶⁶ D.M.L. Farr, *The Colonial Office and Canada*, 123. Farr here no doubt refers to the memorandum dated 22 December 1875, since that was not sent to the Colonial Office until 6 April 1876 (see SP 1877, No 89). For further positive assessments of Blake's constitutional contribution see Alpheus Todd, *Parliamentary Government*, 446-53. Todd supported Blake's view that the governor general was compelled to disallow provincial legislation only on advice and found Carnarvon's view that he acts *under* but not necessarily *according* to the advice of council to be untenable. See also David E. Smith, *The Invisible Crown: The First Principle of Canadian Government* (Toronto: University of Toronto Press, 1995), 43-44; W.E.D. Halliday, "The Privy Council Office and Cabinet Secretariat in Relation to the Development of Cabinet Government" *Canada Year Book*, 1956, 64; K.C. Wheare, *The Statute of Westminster and Dominion Status* (Oxford: Oxford University Press, 1953), 56-64; A Political Onlooker, "The Functions of a Governor-General" *Canadian Magazine* 15 (June 1900), 169; Eugene Forsey, "The Role of the Crown in Canada Since Confederation" *The Parliamentarian* 60

(January 1979), 16. Forsey credited Blake with preventing the inclusion of obsolete powers in the new permanent instruments, but seems to have been under the impression that the British government was seeking to add new clauses conferring these powers. He was apparently unaware that they were already present in the existing instruments.; W.P.M. Kennedy, *The Constitution of Canada*, 342-344; R. MacGregor Dawson, *The Government of Canada*. (Toronto: University of Toronto Press, 1963), 46-47.

¹⁶⁷ Arthur Berriedale Keith, *Responsible Government*, I, 112, 117; II, 1110-1113.

¹⁶⁸ SP 1879, No. 14.

¹⁶⁹ *Ibid.*

¹⁷⁰ Garth Stevenson aptly characterizes the change as "a watershed in the history of the governor general's office". Garth Stevenson, *Ex Uno Plures*, 259.

¹⁷¹ As quoted in Dale Thomson, *Alexander Mackenzie*, 168.

¹⁷² SP1876, No. 116, Report of a Committee of ...the Privy Council, "Department of Justice", 22 December 1875.

Conclusion:

“Ceaseless and Watchful Readiness to Take Part”

Within the prevailing paradigm of Canada's evolution from colony to nation, little attention has been paid to the governor general. Perceived as a vestige of a dependent past, the viceregal office has not been emphasised in Canadian historical writing, especially where the post-Confederation period is concerned. This has led to a pervasive misinterpretation of Canada's constitutional history, and a distorted understanding of the meaning of Confederation. The true points of significant change in Canada's relationship to Britain were reflected in changes in the governor general's function. Despite outward continuity, the viceregal role changed in very significant ways in 1848, in 1878, and in 1931. Confederation brought with it an official change in title, but Monck had been known as the “governor general” before and after 1867, and his duties did not change. Historical treatments of the governors general have tended to be restricted to individual biographies. As Anthony Kirk-Greene put it, “a lot of notable work has been done on the Governor-General but notably little on the Governors-General”.¹ Separating the office from the man can be difficult; the viceregal role was not sharply defined, and the character of the office holder was an important variable. Ideological considerations aside, the logistical problems posed by a study encompassing the careers of several appointees militate against it. Such a study by necessity involves research into extensive official correspondence between the governors general and the Colonial Office, but much of the most important communication took place by means of private letters. Viceregal appointees were often personally acquainted with the secretaries of state, and found it useful to unburden themselves about the difficulties of the office, even if they were not actually seeking advice and direction from Downing Street. These private letters provide a revealing window into the challenge of reigning without actually governing. In addition to the private manuscript collections of the governors general themselves, those of the secretaries of state and various colonial politicians provide a useful dimension.

The period covered by this study—the arrival of Elgin in 1847 to the departure of Dufferin in 1878—is of particular interest insofar as it witnessed key constitutional and political developments. The achievement of self-government, indisputable by 1849, represented the most significant change in the nature of the governor general's role, and, of course, in the broader imperial relationship. "Much of Canada's constitutional history", Ricker and Saywell note, "can be written in terms of changes in the powers of the Governor-General".² From Elgin's term on, the local legislatures were free to govern themselves in internal matters, the governor being mindful only that imperial interests were not compromised. Yet for the governor this did not mean a dramatic transition from complete autocratic power to sudden obsolescence. The governor continued to represent the monarch, around whom the parliamentary system was, and is, organised. Through his reserve powers, he would act as a guardian of the constitution. He would summon, prorogue and dissolve the legislature upon the advice of his ministers, and could, as we have seen, disregard that advice in some rare circumstances. Even if the governor general did not take the dramatic step of refusing his ministers' advice, the very fact that the option existed made it more likely that an administration would adhere to proper parliamentary conduct. Confederation is usually treated as the watershed of Canadian history, but its impact on the viceregal role was limited. The relatively aloof position the governor usually took from day-to-day political wrangling after Confederation was not a product of Confederation itself, but rather of the same new political alliances that made Confederation possible. The emergence of more structured and disciplined political parties since the Confederation era made Canadian politics more stable. This decreased the necessity for the governor general's involvement in the formation of ministries and made his selection of an executive council a mere formality in most cases. Yet the traditional prerogatives still remained. In the post-Confederation era, Dufferin, as we have seen, chose not to invoke his prerogative of refusal of assent when Macdonald requested a prorogation at the height of the Pacific Scandal. He believed—rightly as it transpired—that parliament would ultimately pronounce its verdict on the Conservative ministry, but recognised that in extreme cases he would be warranted in acting to prevent ministerial abuses of power. The revision and standardisation of the viceregal

Instructions and Letters Patent in 1878 represented a codification of the evolution of the governor general's role. While it might have been more in keeping with usual British constitutional practices to allow the written documents to remain out of step with actual usage, the clash of personalities between Dufferin and his Liberal ministers, most notably Edward Blake, lent a greater sense of urgency to a modernisation of these obsolete documents. This constitutional milestone, generally ignored in Canadian historiography, makes a logical terminus for a study of the viceregal role.

The nineteenth-century viceregal role is complicated by the fact that self-government did not extend to external matters. The governor was appointed by, and answerable to, the British cabinet and was meant to withhold royal assent to any bills that fell outside Canada's jurisdiction. Not surprisingly, many observers have tended to confuse the two separate areas of gubernatorial responsibility—the governor general's role as guardian of the constitution in Canada and his position as an imperial functionary. When the governor refused the advice of his ministers, or otherwise exercised his prerogative powers, he was not doing so at the instance of Downing Street. In general, the secretaries of state for the colonies avoided intruding into Canadian domestic political controversies. Yet they were individuals, and some had a sounder grasp than others of the implications of responsible government. Grey was a key actor in the development of the doctrine of colonial self-government, and he and Elgin communicated closely to ensure that they shared the same objectives. Sir Edmund Head had the misfortune to be subject to the direction of eight separate secretaries of state during his tenure, some of whom had an imperfect understanding of colonial issues. Dufferin enjoyed a good relationship with Carnarvon during his term, but the governor's tendency to supply copious detail about Canadian affairs probably contributed to Carnarvon's predisposition toward intrusiveness. Further, Canadians themselves, while jealous of imperial encroachment upon their legislative freedoms, were wont to appeal to London when domestic events took an unappealing turn, as was the case when Head refused ministerial advice in 1858, and again during the Pacific railway controversy. The British cabinet also had to contend with the pressures of ill-informed opinion at home.³ The chorus of criticism that Elgin faced over the Rebellion Losses Bill is a case in point; few in Britain seemed to understand

the consequences inherent in colonial self-government. Since it was a new and untried concept, this is hardly surprising. Fortunately, there was not usually a high degree of concern over Canadian affairs, unless British interests were directly affected. Sir Edmund Head braced himself for an outcry of protest from British quarters after refusing George Brown's request for a dissolution in 1858, and supplied the home government with the facts needed to defend his position. The anticipated questions in parliament were never raised. Indifference and ignorance, rather than respect for Canada's legislative autonomy, provide the most probable explanation.⁴

Proximity to the United States lent another potential complication to the viceregal role. The governor general functioned as an unofficial diplomat, and had to simultaneously protect British and Canadian interests. Lord Elgin enjoyed a celebrated success in the diplomatic sphere by negotiating a reciprocity agreement. Lord Lisgar, as we have seen, did not fare so well. He managed to help avert a looming crisis in Canadian-American relations, but his behind-the-scenes mediation certainly did not earn him any gratitude in Canada. What is more, his role was misunderstood by Americans, who consistently had difficulty appreciating the nature of the imperial relationship, and seemed to imagine that the governor possessed the powers of an autocrat. Lisgar was personally held accountable for Canadian policies the Americans disliked. The neglect and misjudgement Lisgar has suffered in Canadian historiography stems from Canada's failure to achieve an ambitious—and ultimately unrealistic—diplomatic agenda in 1871, but also from the more prosaic fact that Lisgar has no collected manuscript collection. Most of what Canadian historians know of the Washington negotiations has been gleaned from Macdonald's self-serving accounts.

The governor general's role after 1849 became, as Lord Aberdeen later put it, one of "ceaseless and watchful readiness to take part".⁵ The real difficulty, of course, lay in knowing *when* to take part. Dufferin's airy comment that "government seems to me very much a matter of instinct,—like steering a ship, or handling a horse" would not have provided a very useful guide to a successor.⁶ This self-confident assertion, made after the fact, belied the agonies of indecision Dufferin suffered while he wrestled with the question of removing an apparently corrupt

administration from office. Nor would the governor's written instructions provide much illumination for an appointee seeking to understand his role. As we have seen, the Letters Patent and Royal Instructions conferred upon each governor were hopelessly out of step with actual constitutional usages. Even with revisions to the instruments in 1878, much ambiguity remained. In extreme cases, a governor might take the unusual step of consulting a constitutional expert about matters of convention—Dufferin's recourse to Alpheus Todd's advice has already been noted—but the experts themselves could disagree. Goldwin Smith prematurely pronounced the death of the prerogative of refusal of dissolution in the late nineteenth century. He recounted the numerous changes of ministries during the terms of Head and Monck, and observed that "in the course of this unimpressive history... the one remaining prerogative of the Crown was exercised by the Governor General for the last time".⁷ He little realised that this supposedly obsolete prerogative would be invoked almost seventy years after Head's time. The infrequency with which these reserve powers were used could create the impression that they had lapsed. If constitutional authorities were apt to be misled in such matters, members of the general public and press were that much more likely to misunderstand the prerogative powers. A governor acting within his constitutional powers might well find himself rebuked for his inability to appreciate Canada's legislative autonomy. Perversely, failure to take action was just as likely to be criticised.

The perceived success of each incumbent's term of office depended largely on accidents of circumstance. The instability of Canadian party politics in the pre-Confederation era forced the governor general into an active role. Even when he was not in the midst of a political crisis, the potential always loomed. The apparent evidence of ministerial corruption in the 1870s renewed at least the possibility of intervention by the governor general. The Conservative succession crisis that followed the death of John A. Macdonald in the 1890s, while outside the scope of this study, provides another example that the governor general might still be required to act in the event of a crisis.⁸ The more famous King-Byng affair of 1926 is a later demonstration, although Mackenzie King's skill in deflecting attention from the real point at issue has led to a pervasive misinterpretation of the event as an example of

imperial interference. For the most part, however, the emergence of disciplined parties, and the clarification over time of constitutional conventions, has meant a steadily diminishing political role for the governor general since Confederation.

Beside circumstance, the other variable has been character. The individual governors general have been able to a great extent to define their own approach to the role. This has been especially evident in the social and cultural realm. Lord and Lady Dufferin's financial resources and sheer physical energy enabled them to exploit the viceregal role's potential for social and cultural leadership to an unprecedented degree. This opened up an avenue for activity among successors that was seldom controversial.⁹ Unfortunately, Dufferin's penchant for activity was not confined to these harmless spheres. Like his predecessors under self-government, Dufferin believed his role allowed him to exercise moral suasion to guide his ministers into proper conduct. Dufferin, however, was temperamentally unable to stand aside when he believed an injustice was being done, and his activism during the Pacific railway question strained relations without resolving anything. Not surprisingly, more down-to-earth and less "regal" figures, like Elgin and Monck, seemed to enjoy more success in negotiating the challenges of self-government, despite their deficiencies in the social realm. Ironically, given the ceremonial requirements of the role, it was more suited to those whose egos did not demand recognition and credit for their efforts.

The evolving nature of the viceregal role, along with the difficult-to-quantify variables of character and circumstance, have obscured historical understanding of that office. The fact that no definitive statement of the limits of the governor general's power and authority exists, and that the reserve powers are seldom invoked, contributes to our lack of awareness. Only by drawing together issues and events that presented the opportunity for activity on a governor's part during the critical period of 1847 to 1878 is it possible to arrive at an understanding. Elgin's unambiguous commitment to the principle of responsible government, coupled with his advocacy of Canadian interests within the Empire laid out a new template for the viceregal role. His acceptance of ministerial advice to prorogue in 1854 further established a precedent for his successors. Head's subsequent refusal of advice to dissolve parliament in 1858 offered an alternative interpretation of the governor's

function and demonstrated that, while the ideal might be an aloof constitutional figurehead, in a climate of political flux the sovereign's representative still had a part to play. Monck's attempt to counter the perceived injustice by allowing a dissolution, and his informal mediation to achieve a more stable government, demonstrate how much of the role was open to individual interpretation. Neither Head nor Monck were seasoned parliamentarians. Monck's political experience was negligible, and Head's was nonexistent. Both, as fate would have it, had to immerse themselves deeply in the chaotic politics of the united Canadas. Lisgar was a British parliamentary veteran with a personal history of involvement in the shifting sands of political alliances after the 1846 split in conservative ranks over protectionism. Yet he presided over a stable administration and was drawn instead into the diplomatic sphere. His thankless task was to attempt to find a practical working solution to settle outstanding grievances between Britain, Canada, and the United States. An enhanced Canadian role in diplomatic negotiations was a double-edged sword, and Canadian politicians were loath to accept the political consequences of a diplomatic compromise. Lisgar, as the imperial representative on the scene, has long served as a historical scapegoat. The circumstances of Dufferin's term were particularly challenging for someone who enjoyed "the stimulus of responsibility".¹⁰ Dufferin felt a sense of personal obligation to ensure the well-being of the Dominion and found it difficult to step aside and allow domestic events to follow their course. His tendency toward over-involvement added a sense of urgency to Edward Blake's quest to clarify the limits of the governor general's authority. By tracing the most important and controversial events that dominated each governor's term of office, and the individual responses to those conditions, the evolution of the role can be seen more clearly. In an individual biography, these developments are less evident. All of these issues and events—collectively, the interplay of character and circumstance—served to shape the viceregal role during a critical period in Canada's history.

¹ Anthony Kirk-Greene, "The Governors-General of Canada", 35.

² John C. Ricker and John T. Saywell, *How are We Governed?* (Toronto: Clarke & Irwin, 1961), 46.

³ See Ged Martin, *Britain and the Origins of Canadian Confederation*, chapter 4.

⁴ On British reactions to this episode, see *The Times*, 15 September 1858. See also NAC, CO 42/617, B 442, Head to Merivale, private, 12 February 1859.

⁵ First Marquess of Aberdeen and Temair, as quoted by Castell Hopkins, "Lord and Lady Aberdeen in Canada" *Canadian Magazine* 2 (December 1893), 171.

⁶ NAC, Dufferin Papers, A 406, Dufferin to Kimberley, private, 20 November 1873.

⁷ Goldwin Smith, *Canada and the Canadian Question*, 109.

⁸ See Barbara J. Messamore, "On a Razor Edge: The Canadian Governors General", 377-9.

⁹ See Barbara J. Messamore, "The Social and Cultural Role of the Governors General".

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